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ABSTRACT

The Commission to Study the Future of Community Colleges in Kentucky was established in 1988 to review the accomplishments of the Kentucky Community College System (KCCS) and to provide direction for the KCCS towards the year 2000. Developed as part of a collection of reports on the KCCS for use by the Commission in its work, this five-part report examines the governance structure of the KCCS and the relationship between the KCCS and other state-level educational systems. Part 1 reviews patterns of community college governance in other states, while part 2 examines the governance structure of the KCCS, reviewing the responsibilities of the board of trustees, the president of the University of Kentucky, the chancellor for the community college system, the presidents of the community colleges, the deans and the division chairman in the KCCS, the faculty senate, and local advisory boards. Part 3 examines the relationship of the KCCS to the higher education system in Kentucky and summarizes the Kentucky Council on Higher Education's studies on governance and planning. Part 4 examines the relationship between the KCCS and vocational education in Kentucky, reviewing the role of the State Board for Vocational-Technical Education; the Governor's Council on Vocational Education; and the Kentucky Department of Education; and discussing coordination of efforts between, and the possible merger of the KCCS and the Office of Vocational Education. The final section examines the attributes of leadership and presents a leadership model for the future. A list of discussion questions for the Commission, a copy of Kentucky educational statutes, KCCS governance flowcharts, and a 47-item bibliography are included. (PAA)

ED340450

GOVERNANCE OF THE COMMUNITY COLLEGE SYSTEM

An Overview of the University of Kentucky Community College System

Part Five

Prepared for
The Commission to Study the Future of the
Community Colleges in Kentucky

JC 920 063

Community College System
University of Kentucky

1988-89

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COMMUNITY COLLEGE SYSTEM
UNIVERSITY OF KENTUCKY

"Commission to Study the Future of Community Colleges in Kentucky"

"Toward the Year 2000"

Charge of Duties

Purpose:

In celebration of the 25th Anniversary of the Community College System, a Commission has been established to study the accomplishments of the System, assess its current status, and provide direction looking toward the year 2000. Commission members are involved in shaping the future for the Community Colleges in Kentucky. The Commission established is an official Commission of the University of Kentucky Community College System.

Timeline:

It is anticipated that the Commission will accomplish its work during the 1988-89 academic year. Meeting periods are as listed below:

October 31 - November 1, 1988	October 31 - Marriott, Lexington 6:30 p.m. Reception 7:00 p.m. Dinner 8:00 p.m. Meeting November 1 - Marriott, Lexington 8:30 a.m. - Noon -- Meeting
December 15 - 16, 1988	_____
February/March, 1989	_____
April, 1989	_____

GOVERNANCE
OF THE
COMMUNITY COLLEGE SYSTEM

- - - - -

INTRODUCTION

During the twenty-five years of operation of the University of Kentucky Community College System, the governance structure of the System has been debated at length by governors, legislators, and educational leaders from within and without the state. Additionally, a number of studies and reports concerning the structure have been written. Despite the discussions and studies, the Community College System has remained a part of the University of Kentucky since its creation.

PATTERNS OF COMMUNITY COLLEGE GOVERNANCE IN OTHER STATES

The patterns of governance of the nation's 1,224 regionally accredited community, technical, and junior colleges vary substantially from state to state. The governing structures vary from almost complete local control to almost total state control.

Medsker and Tillery (1971), report that by 1970, forty-nine of the fifty states had some form of public two-year colleges and a majority had some type of state-level control or coordinating board. The major reason for creating state-level boards was the rapid growth of community colleges coupled with little or no program or budget planning. The need for establishing guidelines for setting up new colleges escalated in the 1960's when local communities refused to provide adequate financial support and local taxpayers, parents,

and businessmen looking for skilled workers looked to the state for assistance. Stuckman and Wattenbarger (1971) also point out that higher education legislators and others recognized that some planning and control from the state-level were essential.

Wattenbarger and Sakaguchi (1971, 1974), have classified the various state level governing and coordinating boards into four broad categories:

1. Boards totally responsible for community colleges.
2. State boards responsible for all public institutions of higher education, including community colleges.
3. Boards of a state university system which are also responsible for community colleges.
4. State boards of education responsible for all public education, including community colleges.

The following conclusions regarding the various patterns of state and institutional level governing boards are based on the data set forth in Table 16 on Page 246. The Council on Higher Education is the coordinating board for all higher education in Kentucky, yet the University of Kentucky Board of Trustees has been given the legal mandate to administer the community colleges. As noted on Table 16 on Page 246, the University of Kentucky Community College System is categorized as a Type III structure.

State level boards responsible for community colleges only (Type I), occur in 22 states. Fifteen of the twenty-two states also provide local governing boards.

State level boards responsible for all public institutions of higher education, including community colleges (Type II) occur in 17 states. Seven of these states also provide local governing boards.

Five states have a state university system which also includes community colleges (Type III). Of this group, only New York has local governing boards. This pattern, like Kentucky, evolved from state universities which had already

established extension centers designed to offer the first two years of a baccalaureate degree.

State boards of education responsible for all public education (Type IV), occur in six states. All states in this group also have local governing boards.

The powers and authority of local governing boards vary substantially from state to state. Most of these institutions receive local tax support in addition to state appropriations. The level of local support in most of these states has dropped off and has been replaced by increased state and federal support. The trend in these states has, therefore, been a significant increase in state-level control.

This review of the literature indicates the broad variety of community college governance structures among the states and the lack of consensus concerning the most effective models.

Writers such as Millett (1977), Corson (1976), Grant (1977), Halstead (1974), and Dressel (1981), along with the Carnegie Commission, the American Council on Education and other educational associations agree that there must be a balance between local and state control. Some of the major reasons include (1) maintaining the diversity of higher education, (2) serving as a bulwark for maintaining academic freedom, (3) institutional leaders and local boards are the best qualified to make administrative and operational decisions, (4) reduces reliance and interference from partisan politics, (5) reduces governmental bureaucracy, and (6) studies conducted by the above persons and organizations indicate that the best colleges and universities are those which are given the greatest degree of autonomy. As noted earlier, these were precisely some of the reasons advanced for placing

the Community College System under the auspices of the University of Kentucky twenty-five years ago.

This does not however preclude the need for the coordination of higher education at the state level. The Carnegie Commission on Higher Education (April, 1971) stated the need for a reasonable degree of coordination at the state level. Some of the major reasons and purposes served by such coordination include:

1. Avoidance of wasteful duplication in programs and harmful competition.
2. Working toward greater efficiency in the use of scarce resources.
3. Aiding in the orderly planning of all postsecondary facilities within the state including consideration of location for new campuses.
4. Assisting in developing a state policy on admission of students to higher education.
5. Collecting data needed for policy determination.
6. Encouraging sufficient diversity within the system to satisfy the various educational needs of the state.
7. Serving as a communications agency among the postsecondary education community, the state government, and the public.
8. Fostering excellence in the development of the variety of programs involved in expanding the postsecondary network.

Since 1973, however, the Commission has continued to express alarm regarding the shift in the governance of higher education from the institutional level to centralized state level systems. In 1973 the Commission asserted that:

> Our greatest single concern at the present time, however, is that in some states "superboards" and legislators and governors are now exercising too much detailed policy and administrative control over institutions of higher education and unduly infringing upon their essential independence, are neglecting higher education too much financially and controlling too much administratively. They should, instead, support and advise. (Carnegie Commission on Higher Education, 1973 (a), p. 59.)

In 1975, the Carnegie Foundation for the Advancement of Teaching (1975, p. 11-12) expressed further concern for too much centralization and central control when it stated:

> We note. . .the overall tendency toward centralization of authority over higher education. . .We regret this because:
>
> 1. It reduces the influence of students and faculty members and of campus administrators and of members of campus governing boards--all persons who know the most about institutions of higher education and are the most directly involved in their operations. It also reduces their sense of responsibility. The governance of academic institutions should include an influential role for academics and for those in close relations with them.
>
> 2. This centralization seems to have had no measurable direct impact on policies or on practices. No provable cause can thus far be made that higher education is in any way better because of centralization, except where it has taken place in the one area of careful advance academic planning for higher education as a whole.
>
> It is, of course, not possible to know, however, what would have happened in the absence of the centralization that did occur.
>
> 3. The governance processes are worse. They are more costly, more cumbersome, more time-consuming, more frustrating and place more power in the hands of those who are the farthest removed and who know the least.

GOVERNANCE STRUCTURE OF THE
UNIVERSITY OF KENTUCKY COMMUNITY COLLEGE SYSTEM

Board of Trustees

As provided in the original Community College Act, the University of Kentucky Board of Trustees has the ultimate responsibility and authority for the University of Kentucky Community College System.

1. The board has the same powers with respect to the community colleges that it has as to the University of Kentucky in general. The board shall designate each community college with a name that includes the words "Community College."

2. The board shall encourage and may accept donations of land or funds or both to be used in the acquisition, construction or operation of community colleges. The board may commemorate donations from private persons or corporations with suitable memorials.

3. The board may accept federal grants to be used in the acquisition, construction, or operation of community colleges (KRS 164.595). (A copy of KRS 164.595 is on Page 16 in the notebook.)

The composition, powers, and duties of the Board of Trustees of the University of Kentucky are defined by KRS 164.130 through KRS 164.280. A copy of these Statutes is included at the end of this section on Pages 234-241. As the board has the same powers with respect to the community colleges that it has as to the University of Kentucky in general, a summary is provided in the following paragraphs.

The membership of the Board consists of sixteen competent citizens of Kentucky appointed by the Governor, two members of the faculty from the University System, one member of the teaching faculty of the Community College System, and one member of the student body of the University of Kentucky. Three of the appointed members are representative of agricultural interests, three are alumni of the University, and ten are distinguished citizens of the

state representative of the learned professions. The faculty members representing the University System are elected by secret ballot by members of the faculty in the University System. The faculty member representing the Community College System is elected by secret ballot by members of the community college faculties. The student member is the president of the student body of the University, provided he/she is a full-time student who maintains permanent residency in the Commonwealth of Kentucky. Otherwise, a special election is held to select a full-time student who does maintain permanent residency in the state as the student member (KRS 164.130).

The Board of Trustees is a body corporate with the usual corporate powers, and possesses all the immunities, rights, privileges, and franchises usually attaching to the governing bodies of educational institutions. The Board may receive, hold, and administer, on behalf of the University, subject to the conditions attached, all revenues accruing from endowments, appropriations, allotments, grants or bequests, and all types of property (KRS 164.160).

The Board must hold at least four regular meetings per year on dates designated by law. Special meetings may be called by the chairman or by any three members upon giving ten days' written notice to each member. The Board meetings are required to be open to the public (KRS 164.170).

The powers and responsibilities of the Board include the following:

1. It may establish regulations for the governance of the University and the physical training, military or otherwise, of the students (KRS 164.200).

2. It may determine the colleges, schools, divisions, departments, bureaus, and offices which shall comprise the University within the scope of the Acts of Congress approved July 2, 1862 (KRS 164.210).

3. It may appoint a president, professors, assistants, tutors and other personnel and determine the compensation, duties, and official relations of each (KRS 164.220).

4. It has full power to suspend or remove any of the officers, teachers, professors, or agents that it is authorized to appoint, except that no president, professor, or teacher may be removed except for incompetency, neglect of or refusal to perform duties, or for immoral conduct (KRS 164.230).

5. It may grant degrees to graduates of the University (KRS 164.240).

6. It is required to make a full report to the General Assembly, within the first month of each regular session, of the condition and operation of the University since the date of the previous report (KRS 164.250).

7. It may acquire additional lands or other property or materials for the purpose of expanding its plant and extending its usefulness (KRS 164.260).

8. It may dispose of real estate held by the Commonwealth for the use or benefit of the University or the Kentucky Agricultural Experiment Station (KRS 164.270).

As stated in the section entitled "Mission," there were three primary reasons responsible for the Community College System being placed under the control of the University of Kentucky Board of Trustees. The first reason given was the desire to protect the System from undue political interference. The second major reason was recognition of the fact that the University of Kentucky was already operating five extension centers which were to become community colleges. The third reason advanced was recognition of the fact that as the state's land grant university, the University of Kentucky Board of Trustees had already been given the responsibility for planning, implementing, and operating state-wide programs.

In order to properly distinguish the different roles of the University from the community colleges, the Board of Trustees, in July of 1964, approved setting up two systems--the University System composed of the Lexington campus and the state-wide functions of research and service and the Community College System.

The governance structure is clearly described in the Governing Regulations of the University of Kentucky as defined by Kentucky Statutes.

The Administrative Regulations provide interpretation and implementation of the Governing Regulations. From the University of Kentucky Board of Trustees to the Division Chairman level at each of the community colleges, there are six tiers of administrative line authority. The five under the Board of Trustees are described briefly in the following paragraphs; a more detailed description for some of the positions is included in the appendix of this section, Page 251.

The President of the University

The President of the University is appointed by the Board of Trustees with the advice of a joint committee. The Board of Trustees has delegated certain responsibilities to the President with respect to the operation of the University System and the Community College System in order to provide for the responsible and efficient administration of the Systems. As the chief administrative officer of the University, including the Community College System, the President has full authority and responsibility over the administration of the academic, business, and fiscal operations of the University. See Page 242 for the Organization Chart for Central Administration Including Its Relationship to the Board of Trustees and the Chancellors.

The Chancellor for the Community College System

The Chancellor for the Community College System is one of three chancellor sectors--the other two being Chancellor for the Lexington Campus, and the Chancellor for the Medical Center. The chancellors are appointed by the Board of Trustees, acting upon recommendation of the President. The chancellors are responsible to the President and have delegated authority from the President. As the principal academic and administrative officer of the

Community College System, the Chancellor for the Community College System is responsible for the administration of the academic and fiscal operation of the System.

There are two vice chancellors in the administrative organization of the Community College System who report directly to the Chancellor. The Vice Chancellor for Academic Affairs is responsible for the supervision, general direction, and coordination of academic affairs and is the deputy administrator in charge in the absence of the Chancellor. The Vice Chancellor for Business Affairs for the System is responsible for the supervision, general direction, and coordination of business, finance, and budget matters of the System. All other staff members report to the vice chancellors. See Page 243 for a copy of the administrative organization chart for the Community College System.

The Presidents of the Community Colleges

From the Chancellor of the Community College System, the line of authority passes to the presidents of the community colleges who are designated as the chief academic and administrative officers of the colleges.

The community college president, along with the faculty, is responsible for the development and implementation of the instructional program of the college. The president is also responsible for the business and financial operation of the college and the maintenance and operation of the physical plant. Additionally, it is the responsibility of the president to relate the college program to the community. See Page 244 for a sample organizational chart for a community college.

The Community College Deans

The organizational pattern at the college level, in addition to the president, includes a dean for academic affairs, a dean for business affairs, and a dean for student affairs. Generally, the deans assist the president in (1) the administration of the academic program, (2) the administration of business, finance, and budget matters, and (3) the supervision and coordination of activities in the area of student services.

The Division Chairman in the Community College System

The division chairman serves as chairman of the division faculty--i.e., Humanities, Physical Sciences/Engineering Technologies, etc. As an intermediary between the administration and division faculty, the chairman is responsible to the president or the president's designee--the dean for academic affairs. The division chairman plays a very major administrative role in the System.

The chairman has administrative responsibility for implementing the division's academic program. In the execution of the major administrative functions, the chairman seeks the advice of division members. The division chairman is appointed for a three-year term, and normally can serve for no more than two consecutive terms.

Faculty Organization in the Community College System

Senate of the Community College System. As a total body of the System, the faculty are represented by the Senate of the Community College System. The Senate, composed of elected, appointed, and ex officio members, is recognized as one of the primary educational policy-forming agencies of the University--the other two being the Board of Trustees and the University Senate (Governing Regulations III-1). The elected membership of the Senate of

the Community College System consist of three representatives from the full-time faculty of each community college and an additional representative(s) for each 25 or major fraction thereof (13 or more) full-time faculty members above the first 25. One of the elected representatives is designated by the faculty as a member of the Community College Council. The term for each elected senator is two years. The appointed membership consist of three community college presidents and three other administrators appointed by the chancellor.

The Chancellor for the Community College System, the Vice Chancellor for Academic Affairs for the System, the president of the student body of each community college, and the Chairmen of the Advisory Committees to the Senate are ex officio members of the Senate. The community college faculty member elected to the Board of Trustees and any appointed member of the Community College Council are also ex officio members.

The Governing Regulations specify that the functions of the Senate include (1) approving academic policies and curricula, (2) approving policies and regulations governing admission, classification, probation, and dismissal of students, (3) recommending to the Chancellor criteria for appointments, reappointments, promotions and tenure in the System, and (4) recommending to the President all candidates for degrees.

Consistent with the Governing Regulations, the Senate has developed regulations for the conduct of its functions. These regulations are known as the Rules of the Senate of the Community College System.

The Senate performs its functions directly, through an executive committee (Community College Council), and through standing, special, and advisory committees. The elected membership of the Council consist of one representative from each community college selected from among the elected

members of the Senate, two students, and one president of a community college. A maximum of three faculty members may be appointed by the Chancellor to the Council in the event there is an imbalance in the elected members in terms of professional areas of specialization. The Chancellor and Vice Chancellor for Academic Affairs are ex officio members of the Council.

Community College System students, faculty, advisory board members, and Community College System staff members may attend Senate and/or Council meetings and request the privilege of the floor.

In addition to being represented as a total body of the System, the faculty of each college are represented through three local college organizational bodies--faculty of the college, faculty assembly, and faculty of a division.

The faculty of a college consist of all professional, instructional, library, and administrative personnel. The faculty of each college establishes its own rules and organizational structure necessary for the performance of the faculty's functions. The faculty of a college determines the educational policies of the college within the limits established by the regulations of the University and the Rules of the Senate of the Community College System.

The faculty of a community college may organize a Faculty Assembly for the purpose of making recommendations regarding the professional welfare of the members.

The faculty of a division, along with the division chairman, deal with divisional matters--budget requests, academic programs, etc.

Local Advisory Boards

In order to ensure that local citizens were involved in developing programs which met the needs of the areas served by the community colleges,

the initial act and subsequent amendments provided that local advisory boards be appointed for each community college. The statute under which these advisory boards were established, KRS 164.600, is listed below.

1. There shall be a local advisory board for each community college. Each local advisory board shall serve in an advisory capacity to the Board of Trustees and the head of the community college on the operation of the community college.

2. Each local advisory board shall consists of nine members, seven of whom shall be appointed by the Governor. The other two local advisory board members shall be one non-voting member of the teaching faculty and one non-voting member of the student body. An appointed member's term is four years; however, when appointing the initial members of a local advisory board, the Governor may appoint some members for terms of less than four years.

3. The faculty member shall be on the teaching faculty of the community college and shall be elected by secret ballot by all full-time faculty members of the community college. Faculty members shall serve for terms of three years and until their successors are elected and qualified. Faculty members shall be eligible for re-election, but they shall be ineligible to continue to serve as members of the local advisory boards if they cease to be members of the teaching staff of their respective community colleges. Elections to fill vacancies for any unexpired terms shall be held in the same manner as provided for the original elections.

4. The student member shall be the president of the student body of the community college. If the president of the student body is not a full-time student who maintains permanent residency in the Commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this Commonwealth as the student member.

5. Local advisory board members shall receive no compensation for their services, but shall be paid for their actual and necessary expenses.

The local boards are designed to provide advice, usually related to the two-year professional-technical programs and local community educational needs, to the community college presidents, the Chancellor for the Community College System, the President, and the Board of Trustees. Advisory board members may be involved in many other functions at the colleges--i.e., (1) assisting with needs assessment in the college's community, (2) assisting with building relationships with local agencies and organizations, and

(3) serving as interpreters of the community college program to the general public.

Relationship with the University of Kentucky System

As stated in the University of Kentucky Administrative Regulations (AR II-5.0-1, p. 1), "The present policy is a reflection of the philosophy that the Community College System is, in development, function, and enrollment, a valid component and not an addendum to the University's total effort to serve the higher educational needs of the citizens of Kentucky. Cooperation rather than authority is deemed necessary to provide the flexibility and responsiveness essential for a viable and evolving comprehensive Community College System under the University umbrella. The relationships between the two Systems shall be that of mutual liaison and interchange with common supportive services available to both. The community colleges, as they strive to fulfill their statutory functions, are to be administratively free to meet changing challenges with an internally determined and responsive flexibility."

The adoption of this policy and the commitment on the part of the University to fund and support the Community College System within its resources has been very important. With the budgetary problems, declining income and resources, and political confrontations, presidents and boards in many states might have recommended separation. Due, however, to the Board of Trustee's and President's strong commitment, understanding of the importance to the System's welfare in remaining a part of the University, evidence of local desire to remain associated with the University, and recognition of the potential to better serve the educational needs of the state, high priority was placed on maintaining a viable comprehensive Community College System.

As a part of the University of Kentucky, the Community College System is able to operate cost-effective and quality academic programs. The University System provides to the Community College System many centralized services, which, in effect, are purchased from the University System. These include (1) business services such as purchasing, accounting, payroll, faculty and staff benefits, (2) design and construction services, (3) computer services for handling student records and administrative needs, and (4) financial aid services. Additional services available from the University are library, legal, publications and printing, and planning, research, and institutional studies. Assistance in procuring and administering extramural funding is provided by the University.

Other assistance and expertise available to the Community College System as a result of the System being a component of the University of Kentucky include (1) expertise and leadership of the Board of Trustees and the President and the Central Administration, (2) provisions for liaison with colleges and departments of the University System for advisory assistance and services relating to the instructional program, and (3) assistance with faculty development and the opportunities for faculty and staff to pursue advanced course work at the University. The two most mentioned disadvantages include the inadequate resources and tendency toward too much bureaucracy.

Governance Summary

In summary, the Community College System is headed by a Chancellor who is directly responsible to the President of the University of Kentucky. The President is directly responsible to the Board of Trustees.

Each of the fourteen colleges has a president responsible for general administration of each college. Local advisory boards, appointed by the Governor, counsel with the respective community college administrators.

The organizational structure, which preserves the organic relationship to the University and which allows autonomy and freedom to relate community college programs to the local communities, is distinctive and significant. It affords the necessary local autonomy and freedom at each of the colleges while maintaining an inter-relatedness which coordinates and insures maximum utilization of available resources.

RELATIONSHIP WITH HIGHER EDUCATION AND COUNCIL ON HIGHER EDUCATION

The Relationship of Community Colleges with Higher Education

The community colleges have roles aligned with the task of higher education in the Commonwealth. They are complementary components of the total higher education structure in the Commonwealth. The roles of the community colleges in higher education in Kentucky are significant in that the community colleges (1) offer all citizens open access to higher education, (2) provide linkage between the associate degree programs and the baccalaureate level programs by providing course work which counts toward the bachelor's degrees offered by the University of Kentucky, the University of Louisville, the regional state universities and other senior institutions, (3) provide collegiate-level technical courses and training needed in the work force, (4) provide lifelong learning opportunities through continuing education offerings, (5) have articulation and transfer agreements with public universities in the state offering baccalaureate programs in Medical Technology, Physical Therapy, Nursing, and other fields, (6) on a limited basis have joined with regional universities to provide 2 + 2 programs with the junior and senior years of selected baccalaureate programs being taught on the community college campus or in the community college community, (7) have arrangements with regional universities for the offering of graduate, senior, and junior level classes on the community college campus, and (8) encourage community college faculty interaction with faculty from the four-year institutions for the purposes of curriculum development, advising workshops,

longitudinal data collection procedures for tracking transfer student progress, etc.

With the community colleges serving in the various roles mentioned above and fulfilling their mission, the senior institutions can concentrate on their particular mission and goals. An example is the open admission/selective admissions issue. A primary reason selective admissions at public senior institutions works well is that community colleges provide open admission. Thus students may access a selective-admission senior institution by successfully beginning their college careers at a local community college.

The Relationship of Community Colleges with the Council on Higher Education

The Council on Higher Education, composed of the superintendent of public instruction and seventeen lay members appointed by the governor, is the only agency in the state charged by statute to consider and promote higher education statewide. Generally, the Council on Higher Education has developed criteria for the establishment and location of new colleges, establishes the budget format for community colleges, recommends on the community college budgets, develops and reviews community college planning documents, etc. The statutes pertaining to the Council on Higher Education are KRS 164.010 through KRS 164.090. A copy of these statutes is included at the end of this section on Pages 224-233. Some of the specific powers and duties, as defined in KRS 164.020, of the Council on Higher Education are listed below.

1. Engage in analyses and research to determine the overall needs of higher education in the Commonwealth.

2. Develop and transmit to the governor comprehensive plans for public higher education which meet the needs of the Commonwealth. The plans so developed shall conform to the respective functions and duties of the state universities, the community colleges, and the University of Kentucky as provided by statute.

3. Determine tuition and approve the minimum qualifications for admission to the public institutions of higher education.

4. Consider the requirements and review the budget requests, which shall be prepared in the manner and submitted by the institutions to the council by dates prescribed by the council, of the institutions of public higher education as to their appropriate level of support considering the functions of the institutions and their respective needs. The council, in cooperation with the university presidents, shall devise, establish, and periodically review and revise formulas for use in making recommendations to provide to the governor and the legislature for use in making appropriations for the institutions of higher learning. The formulas shall provide for adequate and equitable allocation of funds among the several universities considering their respective needs and statutory, institutional, and geographic missions. . .The individual institutions' budget requests, including tuition and registration fee schedules for all categories of students, along with council recommendations shall be submitted to the governor through the finance and administration cabinet not later than November 15 of each odd numbered year. The council shall submit a separate budgetary recommendation for the University of Kentucky Community College System.

5. Review and approve all capital construction projects the cost of which exceeds two hundred thousand dollars ($200,000) approved by the governing boards of the state-supported institutions of higher education prior to the institutions' submission of such projects to the finance and administration cabinet and/or state property and buildings commission.

6. Require reports from the executive officer of each institution it deems necessary for the effectual performance of its duties.

7. Publish annually a report of the educational and financial affairs of the institutions and disseminate other information relating to higher education.

8. Define and approve the offering of all higher education associate, baccalaureate, graduate, and professional degree or certificate programs in the state-supported higher education institutions; review proposals and make recommendations to the governor regarding the establishment of new state-supported community colleges and new four-year colleges.

KRS 164.030 mandates that "The governing board of each of the state institutions of higher learning shall make such changes or adjustments in the curricula and such rules and regulations affecting their schools as are necessary to carry out and put into effect the rulings of the Council on Higher Education in regard to curricular offerings, entrance fees and

qualifications for admission to and reports from their respective institutions." Thus, changes in the curricula, rules, regulations affecting the community colleges would be made by the Board of Trustees of the University of Kentucky.

Council Studies Relating to the Governance Structure

The Blee Report. The first comprehensive community college study undertaken by the Council on Higher Education was conducted in 1969 by the Associated Consultants in Education. This study, which came to be known as the Blee Report, was designed to address community college education in Kentucky, identify the primary issues relating to community college education and develop guidelines for the future development of community college programs and services.

The Blee Report elaborated on four issues and then suggested four recommendations. The issues were: Should there be a single statewide system of community colleges? How comprehensive should community college programs and services be? How should community college education in Kentucky be governed? To what extent should the operation of community college education be centralized? The Associated Consultants on Education responded to these issues by recommending the development of a single statewide system of community colleges which would be responsible for all postsecondary programs of less than a baccalaureate degree. These colleges would be locally controlled and governed by a Board of Regents at the state level.

Ironically, the University of Kentucky Community College System under its present governance structure is substantially what the Blee Report recommended. With the exception of the community college programs operated by the regional universities, there is a single statewide system of community colleges in the state. The structure at the System Office level is designed

to ensure the most efficient use of funds and at the same time meet the individual and diverse program needs of each community college. This is accomplished by continually reviewing and updating the community colleges' educational plans. This planning process enables the Chancellor's Office to identify and assess the overall needs to be served by each college and make necessary priority determinations. An example is the Mobile Dental Hygiene Program. Depending on the local need and justification, this program (faculty, equipment, and materials) is designed to be moved from one community college to another.

The Council accepted the report and questioned the feasibility of implementing the recommendation in regard to merging the Bureau of Vocational Education programs within a state system of community colleges so that community colleges would be responsible for all postsecondary programs of less than a baccalaureate degree. The Council recognized that, "Long established programs, traditions and the legal status of vocational education would be complicating factors" (CHE, January, 1970) in any type of merger of the two systems. The Council recommended that the two agencies adopt policies which would assure the elimination of any needless program duplications. Other Council recommendations relating to the Community College System included:

> -that the University of Kentucky Board of Trustees review the present status and organizational structure of the Community College System and take any action it deems necessary to enhance the organization and administrative structure of the System,
>
> -that any actions of the council providing for strengthening the community college programs be based on an understanding that the desired curricula comprehensiveness essential to a community college program will require more adequate state funding.

In summary, the Blee Report (1969, p. 239), pointed out, "The plan under which community college education has been initiated through the universities in Kentucky has served a very useful purpose. It is doubtful that community

colleges would have developed to their present status in the Commonwealth under any other arrangement. . ."

The Morford Report. The second major in-depth study of the University of Kentucky Community College System was conducted by the Council on Higher Education in 1977. The study, entitled A Study of Community College Education in Kentucky, and often referred to as the Morford Report, was considered to be comprehensive. The primary purposes of the study were to (1) determine if Kentucky had developed a comprehensive community college program, (2) determine the status of community college education in Kentucky, (3) determine for future direction the role and mission of community college education, (4) identify and separate the educational and political issues surrounding community college education, and (5) consider alternatives to the current governance structures of the Community College System and two-year programs in the four-year institutions.

As was the case in the earlier Blee Report, the Community College System carefully reviewed and analyzed the Morford Report and addressed each of the findings, recommendations and concerns discussed in the study. A large number of the findings and concerns relate to the fact that the Community College System has not received adequate state funding.

In regard to the governance issue, the Council on Higher Education stressed that the University of Kentucky Community College System remain a part of the University of Kentucky. The rationale for the Council's position was supported by several findings and conclusions.

Some of the more important findings and conclusions emphasized by the Council on Higher Education were:

> --the University of Kentucky has developed an administrative structure whereby the Community College System is represented among the major components of the University;

--The University tends to allocate to the Community College System the same percentage of funds it received from the state appropriations that was in its budget request;

--The Community College System is operated in an efficient manner;

--a majority of the full and part-time faculty of the University of Kentucky Community College System support the community colleges in remaining a part of the University of Kentucky System.

--if the community colleges were not part of a system many of the services now provided by the University of Kentucky and the System's Office would have to be duplicated at each of the institutions and at an increased cost to taxpayers.

--without a system it is doubtful that many of the smaller community colleges could continue to provide the same quality of services they now provide. (CHE, 1977, pp. 29, 30).

Price Waterhouse and MGT of America, Inc. Reports. In July, 1981, the Council on Higher Education contracted with Price Waterhouse and MGT of America, Inc., to conduct a management review of the state's public higher education system. Two reports, Phase I, issued in November, 1981, and Phase II, issued in June, 1982, were the culmination of an intensive review of the mission, organization and administration of the Community College System and other public institutions of higher education.

The findings, exemplary practices and conclusions of their study relating to the University of Kentucky Community College System were both positive and significant. The report stated that "Much of the progress in improving the educational level of the people of Kentucky can be related to increased accessibility of educational institutions resulting from the creation of the University of Kentucky Community College System. . .(Price Waterhouse p. III-3).

An example of exemplary practice cited was:

--The University of Kentucky Community Colleges, within the constraints of limited funding, appear to be the most tightly administered higher education institutions in the state. They have lower costs per credit hour than any of their selected benchmark community colleges.

Price Waterhouse and MGT of America, Inc., recommended that the state conduct further study of the opportunities for increasing the role of community colleges in Kentucky higher education and that a larger portion of overall higher education funding should be allocated to the community colleges. As community colleges are less expensive to operate, are readily accessible to a majority of the state's population, they would be one of the most cost effective ways of improving the state's college attendance rate.

Strategic Plan for Higher Education

In 1984, the Council on Higher Education Staff collected data about funding, expenditures, enrollments, degree production, qualitative performance measures, and system coordination. The data were then compared to other states and regions. The Council members then developed a Strategic Plan for Higher Education draft. In 1985, the Council presented goals, strategies, and options for consideration to the public and the universities' presidents. After receiving suggestions from representatives of the institutions and the testimony of over 300 of some 3000 people who attended public hearings held throughout the state, the Council adopted recommendations which became the basis for the Strategic Plan for Higher Education in Kentucky 1985.

The Council on Higher Education's Strategic Plan for Higher Education in Kentucky 1985 includes a series of action plans that center on (1) investments in human resources, (2) program for excellence, (3) economic development, and (4) advocacy and accountability. Under the "investments in human resources" category, the Strategic Plan states that "the Council will:

> --Recommend to the Governor's Commission on Vocational/Technical Education the consolidation of the postsecondary vocational schools as technical institutes within the University of Kentucky Community College System (8)."

The Strategic Plan for Higher Education in Kentucky 1985 pointed out that many of the goals of community colleges coincide with those of postsecondary vocational education and community college programs and postsecondary vocational programs often need similar types of equipment and instructors. Additionally, it was pointed out that cooperation already exists between the two at some locations. Thus, the Council suggested a formal statewide arrangement between community colleges and postsecondary vocational education in order to more effectively utilize the state's resources.

Other Studies and Reports

A number of other studies, although not as comprehensive as those already listed, have also discussed various facets of the University of Kentucky Community College System. Some of the more important reports include (1) the State Commission for Postsecondary Education's Report of Recommendations, (May, 1977) and Summary of Recommendations, (May, 1977); (2) the Governor's Task Force on Education's, Subcommittee Reports and Recommendations, (October, 1977); (3) The Prichard Committee Report prepared by the Council on Higher Education, (October, 1981); and (4) the Vocational Education Task Force Report, (June, 1983), prepared by the Kentucky Department of Education.

RELATIONSHIP WITH VOCATIONAL EDUCATION

Introduction

The debate relating to the governance structure of community colleges often raises a secondary issue concerning the relationship of the University of Kentucky Community College System and the Office of Vocational Education. This concern is based on the feeling, by some, that the occupational-technical programs offered by the two agencies appear to overlap and are duplicative efforts.

State Board for Vocational-Technical, Adult Education and Vocational Rehabilitation Services

The General Assembly--by a Joint Resolution in Special Session--created the Commission on Vocational/Technical Education in July, 1985. The resolution directed the Governor to appoint noted business, labor and education leaders as members of the Commission. The General Assembly instructed the Commission to examine the state's vocational/technical and adult education programs and to devise a plan of action for their improvement.

The final report of the Commission, which was submitted to the Governor and the 1986 Regular Session of the General Assembly, included 38 recommendations. One of the recommendations was that a State Board for Adult and Vocational/Technical Education be created for the state's program of post-secondary vocational/technical and adult education. The Commission felt that the establishment of such an agency would bring greater accountability and status to the post-secondary vocational programs. Another reason for making the recommendation was to provide the program with its own advocate. The Commission further recommended that the governance of the secondary

vocational education programs remain with the exiting State Board of Education.

The Commission recommended that associate degree level programs should continue to be coordinated by the Council on Higher Education. In an effort to assure close coordination between the Council on Higher Education and the new State Board for Adult and Vocational/Technical Education regarding occupational programs offered at the associate degree level, the Commission recommended that the responsibility authorized in KRS 156.070 for coordination of occupational programs at the associate degree level be transferred from the State Board of Education to the proposed State Board for Adult and Vocational/Technical Education.

In response to the Commission's recommendations, the 1988 General Assembly enacted KRS 156.032, which established within the Department of Education a State Board for Vocational-Technical, Adult Education and Vocational Rehabilitation Services (hereinafter referred to as the State Board.) The Board is authorized to carry out the postsecondary vocational education program in the state. A copy of the Kentucky Revised Statutes pertaining to vocational education, KRS 156.032 to KRS 156.070, is included on Pages 214-218, with only a summary being provided in the following paragraphs.

The State Board is appointed by the Governor. The Superintendent of Public Instruction, a constitutional officer elected by the people, serves as executive officer of the State Board and is responsible for implementing policies promulgated by the State Board. See Page 245 for the current organizational chart for the State Department of Education.

The role of the State Board is described in KRS 156.032: "The primary function of the board shall be to develop and adopt policies and administrative regulations by which the department of education shall be

governed in planning, coordinating, administering, supervising, operating and evaluating the vocational-technical, adult and community education and vocational rehabilitation programs, services and activities within the department of education."

The general powers and duties of State Boards are defined in KRS 156.070. The powers and duties for the State Board for Vocational-Technical, Adult Education and Vocational Rehabilitation Services as specified in the statutes include the following:

1. The management and control of the state-operated vocational schools and vocational rehabilitation centers and all programs and services operated in these schools and centers. In addition, it shall be responsible for adult and community education programs and services.

2. . . . on the recommendation and with the advice of the superintendent of public instruction, prescribe, print, publish and distribute at public expense such administrative regulations, courses of study, curriculums, bulletins, programs, outlines, reports and placards as each deems necessary for the efficient management, control and operation of the schools and programs under its jurisdiction.

3. Upon the recommendation of the superintendent of public instruction or his designee, the state boards shall, within their respective jurisdictional areas, establish policy or act on all matters relating to programs, services, publications, capital construction and facility renovation, equipment, litigation, contracts, budgets and all other matters which are the administrative responsibility of the department of education.

4. . . . with approval of the Council on Higher Education, may contract with institutions of public higher education for the operation of specific programs and projects.

5. . . . shall be responsible for establishing priorities for, and approval of construction of facilities designed for vocational-occupational type programs.

6. . . . in conjunction with the Council on Higher Education, shall, by program title, prepare a complete listing of programs of a vocational-technical-occupational type offered in public institutions of higher education and the community colleges, state vocational-technical schools and centers, and junior and senior high schools.

7. . . . shall have the authority and responsibility to review and to make recommendations to the Council on Higher Education concerning both new programs and existing programs at the associate degree level offered at the institutions of public higher education, including the community colleges, if these programs are of a vocational-technical-occupational type.

KRS 156.070 (6) states that "Vocational and nonvocational programs offered at the state universities shall be operated and administered by those universities consistent with the regulations developed by the board of trustees or regents and approved by the Council on Higher Education for the issuance of associate, baccalaureate or graduate degrees. The State Board for Vocational-Technical, Adult Education and Vocational Rehabilitation services and the State Department of Education shall not operate or administer any programs for such degrees. No institution of public higher education, including the community colleges, shall offer any new program of a vocational-technical-occupational nature below the associate degree level without the consent of the State Board."

Governor's Council on Vocational Education

The Governor's Council on Vocational Education serves in an advisory capacity to the State Board for Vocational-Technical, Adult Education and Vocational Rehabilitation Services. KRS 163.086 specifies the membership and responsibilities of the Governor's Council on Vocational Education. The thirteen members are appointed by the Governor for three-year terms. Meetings of the Council are held at least quarterly. At least one public meeting must be held each year in order to give the public an opportunity to express views concerning the vocational education program of the state. The statutory duties include the following:

1. Meeting with the State Board or its representatives during the planning year to advise on the development of the state plan.

2. Advising the State Board and making reports to the Governor, the business community and the general public of the state concerning the policies the state should pursue to strengthen vocational education. . .

3. Analyzing and reporting on the distribution of spending for vocational education in the state and on the availability for vocational education activities and services within the state.

4. Furnishing consultation to the State Board on the establishment of evaluation criteria for vocational education programs within the state.

5. Submitting recommendations to the State Board on the conduct of vocational education programs conducted in the state.

6. Assessing the distribution of financial assistance furnished under the Carl D. Perkins Vocational Education Act, particularly with the analysis of the distribution of financial assistance between secondary and postsecondary vocational education programs.

7. Recommending procedures to the State Board to ensure and enhance the participation of the public in the provision of vocational education at the local level. . .

8. Reporting to the State Board on the extent to which special populations are provided with equal access to quality vocational education programs.

9. Evaluating at least once every two years the vocational education program delivery systems and making recommendations to the State Board on the adequacy and effectiveness of the coordination that takes place between vocational education and the Job Training Partnership Act; and

10. Advising the Governor, the State Board, state job training coordinating council, the Secretary of the Cabinet for Human Resources, and the Secretary of Labor of these findings and recommendations.

The Department of Education

KRS 156.010 defines the composition and functions of the Department of Education. The Superintendent of Public Instruction is the chief executive officer for the Department of Education. As previously stated, the Superintendent of Public Instruction also serves as executive officer of the two state Boards--the State Board for Elementary and Secondary Education and

the State Board for Vocational-Technical, Adult Education and Vocational Rehabilitation Services.

The Superintendent of Public Instruction appoints a Deputy Superintendent for Vocational-Technical, Adult Education and Vocational Rehabilitation Services. The Deputy Superintendent supervises an Office of Vocational Education, an Office of Vocational Rehabilitation, and an Office of Adult and Community Education. See Page 245 for an organizational chart for the State Department of Education.

The Department of Education is the sole state agency for developing and approving state plans required by state or federal laws as prerequisites to receiving federal funds for . . . vocational education, vocational rehabilitation, and adult education (KRS 156.010).

Vocational education is offered through either direct-operated or reimbursed programs. The direct-operated program consists of the state vocational-technical schools, the area vocational education centers, the health occupations education facilities, and programs in state correctional facilities. These direct-operated programs and schools are under the administrative control of the State Department of Education through the Office of Vocational Education and the delivery system is organized through fourteen vocational regions.

The reimbursed programs are administered by institutions of higher education through the Council on Higher Education and by local educational facilities through local boards of education. KRS 156.070 states that "The State Board for Vocational-Technical, Adult Education and Vocational Rehabilitation Services, with approval of the Council on Higher Education, may contract with institutions of public higher education for the operation of specific programs and projects."

Similarities and Differences

The common goals of the Community College System and the Office of Vocational Education include provision of (1) low cost educational opportunities, (2) in technical fields, (3) designed to provide the skills necessary for employment and successful job performance. Common offerings include secretarial, accounting, commercial art, data processing, and health-related programs.

These similarities in program intent and program areas are real. There are, however, several significant differences between the two systems which serve to mandate the existence of both if we are to develop a comprehensive progression of educational opportunity in the state.

The first difference is in the level of the technical courses and general studies (written and oral communication, mathematics, physical science, behavioral science, etc.) available at the community colleges. Many of the technical courses require a high level of mathematics and science. The collegiate level of the general studies and technical courses offered by the community colleges is beyond the scope of the charge of postsecondary vocational education.

The second difference is in the college transfer possibilities offered by the community colleges. Again, community college programming addresses a function completely outside the charge of postsecondary vocational education. Thus, a distinctive feature of community college offerings is the linkage between the associate degree technical program and more complex technological programs at the university level. A linkage is also provided between the associate degree transfer program and baccalaureate level professional programs.

A third difference lies in the fact that community college technical degree requirements include general studies courses (written and oral communication, mathematics, biological or physical science, social or behavioral science, and humanities or history). These courses add a dimension of liberal education to a student's program which serves to broaden the scope of the educational experience. The importance of this will only increase as the new jobs of the future will require more math, language, and reasoning skills. It has been estimated in Workforce 2000 that forty-one percent of the new jobs will be in the three highest skill groups, compared to 24 percent of the current jobs. General studies also provide a basis for lifelong learning which will continue to be a necessity in view of the rapid technological changes in the work force. The overall result is that community college students usually have different qualifications and aspirations than those in other postsecondary vocational settings. Community college programming reflects this.

A fourth difference is that, in general, postsecondary vocational programs and the community college associate degree programs in many instances prepare students for entry into a given occupation at different levels. There are exceptions to this among the graduates of both institutions.

Coordination

A need for both levels of programs exists if the citizens of the Commonwealth are to be served. In order to avoid duplication of effort, the two agencies have worked together very closely in planning and coordinating programs and services. Initially, the staffs from the two agencies developed a Memorandum of Agreement. Shortly after the Blee Report (1969), a more extensive Memorandum of Agreement was developed between the State Board of Education and the Council on Higher Education. This agreement specified the

types of programs to be offered by community colleges and those to be offered by vocational schools. It also defined areas of cooperation including facilities use and program planning.

In 1975, by Executive Order and House Bill 816, Governor Carroll requested that the State Commission for Postsecondary Education (1202 Commission) review the overall needs of postsecondary education and develop comprehensive plans to meet those needs. Out of this review, two recommendations were made which again demonstrated a continued effort to ensure adequate coordination and planning of programs between the Bureau of Vocational Education and the University of Kentucky Community College System. The first action was the establishment of the Board for Occupational Education which was given the responsibility for planning and coordinating postsecondary vocational-technical education programs. The second action was a recommendation that within the Bureau of Vocational Education a planning and review unit be established to work with the University of Kentucky Community College System in reviewing, planning and the cooperative development of associate degree and certificate vocational-technical programs (State Commission for Postsecondary Education, 1977, p. 78).

With the installation of the new administration in January, 1980, the responsibilities of the Board for Occupational Education were turned over to the State Board of Education. Essentially, the same procedures are in effect to ensure joint planning, coordination and review of postsecondary vocational-technical programs between the Council on Higher Education and the State Board for Vocational-Technical, Adult Education and Vocational Rehabilitation Services. A Community College System Staff member is on the State Planning Committee for Vocational Education.

From these agreements and statewide and regional planning and programming meetings between the faculty and staffs of the two agencies have come joint program development, joint use of facilities, joint funding of programs, joint appointments of faculty and informal arrangements on teaching students in special areas. Using a competency-based approach, articulation agreements have been developed and implemented for the following programs: Biomedical Equipment Technician, Data Processing, Dental Hygiene, Engineering Technology, Mining Technology, Nursing, Office Administration, Radiologic Technology, Respiratory Therapy, and Medical Laboratory Technology.

As students move from one system of education to another, the question of what credits earned in one system will transfer to another becomes quite important. Just as important, is that the state's resources not be consumed by requiring students to repeat course work unnecessarily. Joint efforts by both systems can reduce the inappropriate loss of credit by articulating vocational programs.

As the cost of equipping and maintaining technical laboratories continues to increase, careful joint planning by community colleges and vocational education could stretch the state funds by avoiding unnecessary duplication.

Cooperative programming among secondary/vocational education/community college components in the state could assist in (1) achieving an increased high school graduation rate, (2) improving students' preparation for postsecondary education, (3) increasing the college going rate of high school graduates, (4) improving the transition of high school graduates and postsecondary vocational graduates into community college programs without loss of credit, and (5) improving the preparation of citizens for the demanding technical labor market.

Question of Merger

From this review, the degree of planning, coordination and articulation of programs designed to avoid duplication are evident. Some legislators and educators advocate a merger of the two programs.

An example of an educational system providing vocational, technical, and transfer programs is the system in the state of North Carolina. The 58 community and technical colleges in the North Carolina Community College System offer programs ranging from one quarter to two years in length. Diplomas are awarded to graduates of one-year programs, certificates are awarded to graduates of shorter than one-year programs, and two-year programs lead to an associate degree. Thus, students have many options--transfer associate degrees, technical associate degrees, vocational diplomas, occupational certificates.

COMMUNITY COLLEGE LEADERSHIP

Community college leaders are faced with a number of challenging issues--diminishing resources, a heterogeneous and diverse student body, the need for maintaining strong academic programs for academically talented students while providing excellent remedial programs for students with academic deficiencies, numerous constituencies to please, etc. Along with the issues is the need for the leadership of a college to provide an environment conducive to teaching and learning.

The president of the community college is the primary leader and must be the strongest advocate for teaching and learning. "The president must move the college beyond day-to-day operations. He or she must call upon the community of learning to affirm tradition, respond to challenges, and create inspiring visions for the future. To do this, the president must be able to collaborate, bring together various constituencies, build consensus, and encourage others within the college community to lead as well" (Building Communities 41).

While the president of the community college is the primary leader, the total leadership function in a community college should be the collective responsibility of individuals at all levels of the organization. Excellent leaders are needed at all levels of the organizational structure if the community colleges are to respond to the communities and their continuing changing mandates in a complex and changing environment. Teaching faculty, administrative faculty, support staff, advisory boards, committee chairpersons, etc., must have leadership skills which are demonstrated across departmental lines and in the classroom.

Leadership Attributes

Miami-Dade Community College was chosen by a national panel of education experts as representative of the best among this country's community colleges. It was described as an exemplary institution that successfully meets the needs of the students. The college has a larger foreign nation representation and foreign student enrollment than any other college in the nation as well as a larger minority student enrollment than any other college in Florida. An in-depth case study of Miami-Dade Community College was conducted by Roueche. Among other things, he wanted to find out what specific leadership attributes appear to be linked to the successes of Miami-Dade. The results of the study point out that people make the difference in achieving exemplary status for an institution and that excellent teaching thrives best in an environment which supports and fosters shared values focused on the central purpose of learning.

Roueche lists three major categories which summarize the attributes observed among the leaders at the college which contribute to a positive, achievement-oriented climate and programs (116).

Clear Sense of Direction

The first leadership category listed by Roueche is a clear sense of direction, meaning that leaders think of future possibilities, recognize present momentum, have and apply educational convictions, and think globally (120). Mere competence is not sufficient for today's leaders. They must have a vision of what the college ought to be and draw upon the strengths of the college and environment to promote constant improvement. Beginning with the president and continuing throughout the organizational structure, leaders must convey a strong commitment to learning and instruction. The behaviors indicating the ability to think globally include thinking in broad

categories, acting creatively, thinking in terms of relationships and being innovative (124).

Structure for Implementation

The second leadership category listed by Roueche is structure for implementation, which includes respecting the expertise of others (faculty, staff, and students), possessing a bias for action, using appropriate power and authority for an educational setting, and implementation by increments (126). There is a wealth of information available to educational leaders through faculty, staff, and students; and good leaders rely on good people who have strengths in particular areas and then allow room for the creative process to take place. Roueche writes that "There is a fundamental difference between the management of a business and of a college, in that the goal of a college is . . . the realization of the potential of each student as contrasted to the achievement of profit for the business" (131).

Sense of Personal Commitment

The third leadership category is a sense of personal commitment to the job and to people which includes having a positive outlook, possessing personal energy, having the ability to motivate others through good interpersonal skills, and possessing personal convictions and integrity (133). Roueche writes that exemplary leadership must begin with a sense of personal commitment (133).

Roueche's Conclusion

Roueche writes that through the analysis of the actions, values, and skills of key leaders at Miami-Dade, an exemplary community college, he believes that a model of leadership excellence has emerged--one that is worthy of emulation by others in the field of community college education (140, 141).

The level of the administrative position may determine how strong any one of the leadership attributes needs to be as top administrators are involved in more strategic types of activities than are middle-level administrative positions. However, ideal college leadership would include a strong president supported by a team (administrators, support staff, and faculty) with similar convictions and qualities.

Leaders for the Future

Community college leadership programs offering creative programs to prepare community college leaders are available at a limited number of universities. There are community college leadership programs at Florida State University, The University of Texas at Austin, the University of Michigan, and the University of Florida. George Mason University (Virginia) plans to establish a national center to provide service and training to community colleges. Some state community college systems are beginning to provide development seminars for potential community college leaders. The Virginia Community College System offers Leadership Seminars during the summers, with one representative from each of the 23 campuses participating in the seminars in order to learn about the role of college president. The Virginia System also conducts Instructional Leadership Seminars designed to recognize faculty members in the system who have notable teaching skills and who have chosen to continue their academic careers in teaching. The Virginia System has collaborated with George Mason University to establish a Center for Community College Education. The primary emphasis of the center is to prepare the next generation of community college faculty and to assist those presently teaching. The center will also develop an executive internship program for college presidents. Future leaders are also developed for the Virginia System through the Chancellor's Fellowships at two universities. Those awards

provide a grant of $10,000 plus one-half salary and one-year's leave of absence (Toward the Year 2000 54).

One of the responses received to the call for papers issued by the Chancellor for the University of Kentucky Community College System is a paper entitled "A Leadership Academy for Kentucky's Community Colleges." The author addresses the problem of an inability to produce leaders from among the ranks of the Community College System and points out that the state is losing the benefit of local experience and talent, white and black, male and female, in providing for the educational leadership of the state. The author also proposes a possible solution--a leadership academy. The entire paper is included in the "Responses to the Call for Papers" document and begins on Page 125.

COMMUNITY COLLEGE SYSTEM
UNIVERSITY OF KENTUCKY

"Commission to Study the Future of Community Colleges in Kentucky"

"Toward the Year 2000"

GOVERNANCE - For Discussion:

1. Should the governance structure of the Community College System be changed? If so, how?

2. Regardless of the governance structure used, what authority and responsibility must a community college system have in order for the system to be able to develop strong local community colleges and serve statewide needs and priorities?

3. Should the role of community college advisory boards be changed? If so, how?

4 Does the Community College System relationship with the Council on Higher Education need to be changed? If so, how?

5. Does the Community College System relationship with Vocational Education need to be changed? If so, how?

6. Should the Community College System and Vocational Education be combined into one system? What are the positive/negative aspects of doing so? If they are combined, should they be under the University of Kentucky?

7. Should local/regional community colleges and postsecondary vocational schools be combined on a voluntary basis? If so, should they be combined under the University of Kentucky?

8. Creative and visionary leaders are needed at all organizational levels of the colleges. How can the Community College System develop and nurture creative and visionary leadership as we move toward the year 2000?

9. Based on the needs of the communities and the Commonwealth, describe the community college leader for the year 2000.

1988

SUPPLEMENT

Kentucky Revised Statutes

Annotated

OFFICIAL EDITION

Containing the laws of a permanent and general nature of the 1988 Regular Session of the General Assembly

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DEPARTMENT GENERALLY

156.010. Department of education — Composition — Functions. — (1) The department of education shall consist of the superintendent of public instruction who shall be the chief executive officer of the department, the organizational structure of the department as set forth in this section, the state board for elementary and secondary education, and the state board for vocational-technical, adult education and vocational rehabilitation services.

(2) The superintendent of public instruction shall appoint a deputy superintendent for elementary and secondary education, who shall directly supervise an office of instruction, headed by an office head and composed of divisions of accreditation, teacher education and certification, curriculum and staff development, compensatory education, support services, and student services; and an office of education for exceptional children, headed by an office head and composed of divisions of categorical programs, support services, coordinated programs, the Kentucky school for the blind, and the Kentucky school for the deaf.

(3) The superintendent of public instruction shall appoint a deputy superintendent for vocational-technical, adult education and vocational rehabilitation services, who shall directly supervise an office of vocational education, headed by an office head and composed of divisions of program services, staff development, support services, and school services; an office of vocational rehabilitation, headed by an office head and composed of divisions of field services, program development, support services, and the Carl D. Perkins comprehensive rehabilitation center; and an office of adult and community education, headed by an office head and composed of divisions of adult basic education, community education, and adult special projects.

(4) The superintendent of public instruction shall appoint a deputy superintendent for research, who shall directly supervise an office of research and planning, headed by an office head and composed of divisions of planning, research, evaluation, and computer services; and an office of communication services, headed by an office head and composed of divisions of media services, recognition and special events, public information, and printing services. The superintendent shall also appoint a deputy superintendent for administration, who shall directly supervise an office of school administration and finance, headed by an office head and composed of divisions of buildings and grounds, pupil transportation, pupil attendance, school district finance, textbook services, surplus property, school food services, and insurance services; and an office of internal administration, headed by an office head and composed of divisions of purchasing, accounting, budget analysis, facilities management, personnel services, and equal education opportunity. Directly attached and responsible to the superintendent of public instruction also shall be an office of legal services headed by an office head, an assistant who shall be secretary to the state board for elementary and secondary education and the state board for vocational-technical, adult education and vocational rehabilitation services, a chief executive assistant to the superintendent, and an ombudsman responsible for coordination and referral of correspondence from the public as it relates to departmental services and functions.

(5) The superintendent of public instruction shall establish the organizational units below the division level, and arrange the units within the organizational structure of the department of education as set forth in subsections (1) to (4) of this section to provide required program and administrative services and assure effective execution of the department's responsibilities. The superintendent shall further, and as appropriate, abolish or assign, within the organizational structure of the department of education

established by subsections (1) to (4) of this section, those assistant office head positions and principal assistant positions within the department not specifically mentioned in this section but existing as of July 1, 1988.

(6) As of July 1, 1988, all appropriate transfers of functions, personnel, funds, equipment, facilities, and records shall be made within the department of education to implement the provisions of this section and actions taken pursuant hereto.

(7) The superintendent of public instruction shall have general supervision of all assistants, agents and employes. He shall be responsible for implementing policies promulgated by the state board for elementary and secondary education and the state board for vocational-technical, adult education and vocational rehabilitation services. He may clothe his assistants with full power of attorney to act for him in the supervision, inspection and administration of the schools over which he has supervisory and administrative control.

(8) All employes shall be reimbursed for necessary traveling expenses incurred in the performance of their official duties, and no part of the reimbursement shall be included in or accounted as a part of their salaries.

(9) The superintendent of public instruction, through his appropriate deputy superintendents, assistants, office heads, and division directors, shall exercise all the administrative functions of the state in relation to the management and control of the public common schools, vocational education, vocational rehabilitation, adult and community education, the Kentucky school for the blind and the Kentucky school for the deaf, and may exercise the general powers and functions relating to state vocational schools and area vocational educational centers for young people who are enrolled in regular day schools and for out-of-school youth and adults, both employed and unemployed. The department of education shall exercise also those powers relating to television in aid of education and other proper public functions, as provided in KRS 156.070.

(10) The Kentucky school for the blind advisory board, the Kentucky school for the deaf advisory board, the state board for elementary and secondary education and the state board for vocational-technical, adult education and vocational rehabilitation services, the Kentucky council on teacher education and certification, the state advisory committee for educational improvement and the state textbook commission shall be administratively attached to the office of superintendent, but each shall continue to exercise all the functions conferred upon it by law.

(11) The state department of education, in the operation and management of its schools and the programs at these schools, shall meet all required federal and state standards relating to facilities and personnel qualifications; however, no license or license fee shall be required for any school or program operated by the state department of education.

(12) The department of education shall be the sole state agency for the purpose of developing and approving state plans required by state or federal laws and regulations as prerequisites to receiving federal funds for elementary and secondary education, vocational education, vocational rehabilitation and adult education. (4618-20, 4618-80: amend. Acts 1952, ch. 41, § 1; 1962, ch. 13, § 1; 1976, ch. 327, § 1; 1978, ch. 155, § 84, effective June 17, 1978; 1982, ch. 381, § 1, effective July 15, 1982; 1984, ch. 128, § 1, effective July 13, 1984; 1984, ch. 315, § 1, effective July 13, 1984; 1986, ch. 398, § 1, effective July 15, 1986; 1988, ch. 361, § 1, effective July 15, 1988; 1988, ch. 435, § 1, effective July 1, 1988.)

Legislative Research Commission Note. This section was amended by two 1988 acts, ch. 361, § 1 and ch. 435, § 1, part of which are in conflict and cannot be compiled together. Pursuant to KRS 446.250, the later enactment prevails.

tion of the board. (Enact. Acts 1982, ch. 381, § 2, effective July 15, 1982; 1988, ch. 361, § 3, effective July 15, 1988.)

156.032. State board for vocational-technical, adult education and vocational rehabilitation services — Membership — Function. — (1) There is hereby established within the department of education a state board for vocational-technical, adult education and vocational rehabilitation services which shall consist of nine (9) voting members, one (1) from each Supreme Court district as established by KRS 21A.010 and two (2) members from the state at large.

(2) The governor shall make appointments to the board and fill vacancies as they may occur. Appointments shall conform to KRS 156.040.

(3) The original appointments shall expire on June 30 in the year hereinafter designated and the terms of each member appointed thereafter shall begin on July 1 and be for four (4) years. The original appointments to the board shall be made in the following manner: three (3) shall expire on June 30, 1989; three (3) shall expire on June 30, 1990; and three (3) shall expire on June 30, 1991.

(4) The superintendent of public instruction or his designee shall be the executive officer of the board.

(5) The primary function of the board shall be to develop and adopt policies and administrative regulations by which the department of education shall be governed in planning, coordinating, administering, supervising, operating and evaluating the vocational-technical, adult and community education and vocational rehabilitation programs, services and activities within the department of education.

(6) The board shall have the management and control of state-operated vocational schools and vocational rehabilitation centers.

(7) The board shall have authority to establish administration and operating procedures for state-operated vocational schools, and regional staffs therefor, and for vocational rehabilitation centers, and field staffs therefor. However, all positions and employes shall continue to be subject to the provisions of KRS Chapter 18A.

(8) The board shall have the authority to enter into agreements with other agencies in order to carry out services under its jurisdiction.

(9) The board shall have authority to recommend to the state board for elementary and secondary education standards pertaining to secondary vocational education curriculum, accreditation, equipment, facilities, and related matters. (Enact. Acts 1988, ch. 361, § 4, effective July 15, 1988.)

156.035. Legal status of boards — Administration of funds. — (1) The Kentucky state board for elementary and secondary education and the state board for vocational-technical, adult education and vocational rehabilitation services are recognized to be public bodies corporate and politic, and agencies and instrumentalities of the Commonwealth in the performance of essential governmental functions.

(2) For the benefit of programs under their control and supervision, the boards are authorized to implement the provisions of any act of Congress appropriating and apportioning funds to the state, to receive funds appropriated by the Kentucky general assembly, to provide for the proper apportionment and disbursement of such funds in accordance with state or federal laws, and to accept and provide for the administration of any gifts, donations, or devises.

(3) (a) The boards are authorized to expend funds necessary for errors and omissions insurance premiums for insurance to cover the defense of, and any damages and costs awarded in, any civil action brought against

individual board members on account of an act made in the scope and course of their performance of legal duties as board members.

(b) The authorization of the expenditure of public funds for such insurance is deemed critical to continuing to attract qualified individuals to become members of state boards, and is deemed to authorize the expenditure of public funds for a public purpose.

(c) Nothing in this subsection shall be construed as a waiver of the sovereign immunity of the Commonwealth with respect to claims against the state boards of education, the department of education, or any of their respective officers, agents, or employes. (Enact. Acts 1962, ch. 13, § 2; 1978, ch. 155, § 86, effective June 17, 1978; 1986, ch. 264, § 1, effective April 3, 1986; 1986, ch. 331, § 27, effective July 15, 1986; 1988, ch. 361, § 5, effective July 15, 1988.)

156.040. Qualifications of board members. — (1) The members of the state board for vocational-technical, adult education and vocational rehabilitation services and the state board for elementary and secondary education shall have the same qualifications as school board members, except that members of these boards shall be at least thirty (30) years of age. Appointments shall be made without reference to occupation, political affiliation or similar considerations. No member at the time of his appointment or during the term of his service shall be engaged as a professional educator.

(2) Members of the state board for vocational-technical, adult education and vocational rehabilitation services shall possess an understanding of business and industry and a knowledge of occupational and academic needs of adults. At least one (1) member shall possess a knowledge of vocational rehabilitation services. (4377-5: amend. Acts 1962, ch. 244, Art. III, § 3; 1978, ch. 155, § 87, effective June 17, 1978; 1986, ch. 331, § 28, effective July 15, 1986; 1988, ch. 361, § 6, effective July 15, 1988.)

156.060. Quorum — Meetings — Location of office — Compensation. — For meetings of the state board for elementary and secondary education and the state board for vocational-technical, adult education and vocational rehabilitation services, a majority of the voting members shall constitute a quorum for the transaction of business. Each board shall meet not less than every three (3) months and at such other times as it may be called as provided in this section. Special meetings of each board may be called by the chairperson, and upon written request of two (2) members, the chairperson shall call a special meeting of the board to be held not later than twenty (20) days following receipt of the written request. The chairperson shall give notice through the secretary by registered or certified mail, return receipt requested, to each member of the board at least ten (10) days prior to the time of any meeting unless all members of the board waive notice in writing. The offices of each board shall be at the seat of government in the department of education and shall be provided by the state. Members of the board may receive a per diem of one hundred dollars ($100) for each regular or special meeting attended and actual expenses for attending meetings, and may be reimbursed for other actual and necessary expenditures incurred in the performance of their duties authorized by the board. The per diem and expenses shall be paid out of the appropriation for each board. (4377-8: amend Acts 1942, ch. 201, §§ 1, 2; 1962, ch. 244, Art. III, § 2; 1974, ch. 315, § 15; 1978, ch. 155, § 88, effective June 17, 1978; 1980, ch. 114, § 20, effective July 15, 1980; 1982, ch. 381, § 3, effective July 15, 1982; 1988, ch. 361, § 7, effective July 15, 1988.)

156.070. General powers and duties of state boards. — (1) The state board for elementary and secondary education shall have the management and control of the common schools and all programs operated in such schools, including interscholastic athletics, the Kentucky school for the deaf and the Kentucky school for the blind. The state board for vocational-technical, adult education and vocational rehabilitation services shall have the management and control of the state-operated vocational schools and vocational rehabilitation centers and all programs and services operated in these schools and centers. In addition, it shall be responsible for adult and community education programs and services.

(2) The state board for elementary and secondary education may designate an organization or agency to manage interscholastic athletics in the common schools, provided that the rules, regulations and bylaws of any organization or agency so designated shall be approved by the board, and provided further that the board shall adopt administrative regulations providing for the appeal to the board of any decisions made by the designated managing organization or agency.

(3) (a) The state board for elementary and secondary education is hereby authorized to lease from the state property and buildings commission, or others, whether public or private, any lands, buildings, structures, installations and facilities suitable for use in establishing and furthering television and related facilities as an aid or supplement to classroom instruction, throughout the Commonwealth, and for incidental use in any other proper public functions. Any such lease may be for any initial term commencing with the date of such lease and ending with the next ensuing June 30, which is the close of the then current fiscal biennium of the Commonwealth, with exclusive options in favor of the board to renew the same for successive ensuing bienniums (July 1 in each even year to June 30 in the next ensuing even year); and the rentals may be fixed at such sums in each biennium, if renewed, as will be sufficient to enable the state property and buildings commission to pay therefrom the maturing principal of and interest on (and provide reserves for) any revenue bonds which said state property and buildings commission may determine to be necessary and sufficient, in agreement with the board, to provide the cost of acquiring such television and related facilities, with appurtenances and such costs as may be incident to the issuance of such bonds.

(b) Each such option of the state board for elementary and secondary education to renew the lease for a succeeding biennial term may be exercised at any time after the adjournment of the session of the general assembly at which appropriations shall have been made for the operation of the state government for such succeeding biennial term, by notifying the state property and buildings commission in writing, signed by the superintendent of public instruction, and delivered to the secretary of the finance and administration cabinet as a member of said commission; provided, however, that such option shall be deemed automatically exercised, and the lease automatically renewed for the succeeding biennium, effective on the first day thereof, unless a written notice of the board's election not to renew shall have been delivered in the office of the secretary of the finance and administration cabinet before the close of business on the last working day in April immediately preceding the beginning of such succeeding biennium.

(c) The state board for elementary and secondary education shall not itself operate such leased television facilities, or undertake the preparation of the educational presentations or films to be transmitted thereby, but may enter into one (1) or more contracts to provide therefor, with any public agency and instrumentality of the Commonwealth having, or able to provide, a staff with proper technical qualifications, upon which agency and

instrumentality the board, through the superintendent of public instruction and the department of education, is represented in such manner as to coordinate matters of curriculum with the curricula prescribed for the public schools of the Commonwealth. Any such contract for the operation of the leased television or related facilities may permit limited and special uses of the television or related facilities for other programs in the public interest, subject to such reasonable terms and conditions as the board and the operating agency and instrumentality may agree upon; but any such contract shall affirmatively forbid the use of the television or related facilities, at any time or in any manner, in the dissemination of political propaganda or in furtherance of the interest of any political party or candidate for public office, or for commercial advertising. No lease between the board and the state property and buildings commission shall bind the board to pay rentals for more than one (1) fiscal biennium at a time, subject to the aforesaid renewal options. The board may receive and may apply to rental payments under any such lease and to the cost of providing for the operation of such television or related facilities not only appropriations which may be made to it from state funds, from time to time, but also contributions, gifts, matching funds, devises and bequests from any source, whether federal or state, and whether public or private, so long as the same are not conditioned upon any improper use of the television or related facilities in a manner inconsistent with the provisions of this subsection.

(4) The state boards may, on the recommendation and with the advice of the superintendent of public instruction, prescribe, print, publish and distribute at public expense such administrative regulations, courses of study, curriculums, bulletins, programs, outlines, reports and placards as each deems necessary for the efficient management, control and operation of the schools and programs under its jurisdiction. All administrative regulations published or distributed by each board shall be inclosed in a booklet or binder on which the words "informational copy" shall be clearly stamped or printed.

(5) Upon the recommendation of the superintendent of public instruction or his designee, the state boards shall, within their respective jurisdictional areas, establish policy or act on all matters relating to programs, services, publications, capital construction and facility renovation, equipment, litigation, contracts, budgets and all other matters which are the administrative responsibility of the department of education.

(6) Vocational and nonvocational programs offered at the state universities shall be operated and administered by those universities consistent with the regulations developed by the board of trustees or regents and approved by the council on higher education for the issuance of associate, baccalaureate or graduate degrees. The state board for vocational-technical, adult education and vocational rehabilitation services and the state department of education shall not operate or administer any programs for such degrees. No institution of public higher education, including the community colleges, shall offer any new program of a vocational-technical-occupational nature below the associate degree level without the consent of the state board. The state board for vocational-technical, adult education and vocational rehabilitation services, with approval of the council on higher education, may contract with institutions of public higher education for the operation of specific programs and projects.

(7) The department of education shall administer, supervise, and operate all programs offered in the state vocational technical schools and area vocational education centers, or may, with the approval of the state board for vocational-technical, adult education and vocational rehabilitation services, contract with a local school system for such services.

(8) The state board for vocational-technical, adult education and vocational rehabilitation services shall be responsible for establishing priorities for, and approval of, construction of facilities designed for vocational-occupational type programs.

(9) The state board for vocational-technical, adult education and vocational rehabilitation services, in conjunction with the council on higher education, shall, by program title, prepare a complete listing of programs of a vocational-technical-occupational type offered in public institutions of higher education and the community colleges, state vocational-technical schools and centers, and junior and senior high schools. These listings shall distinguish between vocational-technical-occupational programs for which approval is required by the state board and other general education programs.

(10) The state board for vocational-technical, adult education and vocational rehabilitation services shall have the authority and responsibility to review and to make recommendations to the council on higher education concerning both new programs and existing programs at the associate degree level offered at the institutions of public higher education, including the community colleges, if these programs are of a vocational-technical-occupational type. (4377-1, 4377-12, 4527-63, 5618.80: amend. Acts 1952, ch. 41, § 2; 1958, ch. 47, § 2; 1962, ch. 13, § 3; 1964, ch. 5; 1970, ch. 204, § 7; 1976, ch. 327, § 2; 1978, ch. 60, § 1, effective June 17, 1978; 1978, ch. 155, §§ 41, 82, 89, effective June 17, 1978; 1982, ch. 381, § 4, effective July 15, 1982; 1988, ch. 361, § 8, effective July 15, 1988.)

Legislative Research Commission Note. A technical correction has been made in this section by the Reviser of Statutes pursuant to KRS 7.136.

156.071 to 156.097. Delegation of taking evidence and writing recommendation — Purchase contract for supplies — Price contracts information — School census — Certificates of school employes — Program of in-service teacher training — Teacher institutes.

Compiler's Notes. Under authority of Acts 1988, ch. 361, § 17, "state board for elementary and secondary education" should be substituted for "state board of education" throughout these sections, wherever it appears.

156.101. Purpose of section — "Instructional leader" defined — Instructional leader improvement program.

Compiler's Notes. Under authority of Acts 1988, ch. 361, § 17, "state board for elementary and secondary education" should be substituted for "state board of education" throughout this section, wherever it appears.

Removal or Suspension of School Officers

156.132 to 156.138. Removal or suspension of school officers — Notice of suspension — Vacancies caused by suspension — Duty of attorney general.

Compiler's Notes. Under authority of Acts 1988, ch. 361, § 17, "state board for elementary and secondary education" should be substituted for "state board of education" throughout these sections, wherever it appears.

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1988

SUPPLEMENT

Kentucky Revised Statutes

Annotated

OFFICIAL EDITION

Containing the laws of a permanent and general nature of the 1987 Extraordinary Session and the 1988 Regular Session of the General Assembly

Volume 7A

Compiled and Published under the Authority and Supervision of the Legislative Research Commission

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(3) Certified teachers in the Kentucky school for the deaf and the Kentucky school for the blind shall have the same statutory employment status and benefits as certified teachers in the public schools. (Enact. Acts 1980, ch. 277, § 1, effective July 15, 1980; 1986, ch. 219, § 1, effective July 15, 1986; 1988, ch. 361, § 16, effective July 15, 1988.)

163.070. State treasurer custodian of funds.

Compiler's Notes. Under authority of Acts 1988, ch. 361, § 18, "state board for vocational-technical, adult education and vocational rehabilitation services" should be substituted for "state board of education" wherever it appears throughout this section.

Vocational Schools

163.085. Buildings for state vocational schools, acquisition or construction.

Compiler's Notes. Under authority of Acts 1988, ch. 361, § 18, "state board for vocational-technical, adult education and vocational rehabilitation services" should be substituted for "state board of education" wherever it appears throughout this section.

163.086. Governor's council on vocational education — Membership — Responsibilities — Reimbursement for expenses.

Compiler's Notes. Under authority of Acts 1988, ch. 361, § 18, "state board for vocational-technical, adult education and vocational rehabilitation services" should be substituted for "state board of education" wherever it appears throughout this section.

163.087. Tuition and fees in vocational schools.

Compiler's Notes. Under authority of Acts 1988, ch. 361, § 18, "state board for vocational-technical, adult education and vocational rehabilitation services" should be substituted for "state board of education" wherever it appears throughout this section.

163.089. Medical and accident insurance for students. — (1) The superintendent of public instruction is authorized to provide medical and accident insurance for students enrolled in the state vocational-technical schools and area vocational education centers. The department of education may enter into a contract or contracts with one (1) or more sureties or insurance companies or their agents to provide appropriate medical and accident insurance coverage and to provide group coverage to all students enrolled in state vocational-technical schools and area vocational education centers. The appropriate group coverage shall be issued by one (1) or more sureties or insurance companies authorized to transact business in this state, and such coverage shall be approved by the commissioner of insurance.

(2) The state board of education, upon the recommendation of the superintendent of public instruction, shall adopt administrative regulations to implement the medical and accident insurance program. The state board of education may fix the rate of fees for all secondary and post-secondary students and adults, the provisions of KRS 163.087 with respect to fees for secondary students notwithstanding, as it deems necessary to meet the expense in whole or in part for appropriate student medical and accident insurance.

(3) The limits of liability and other appropriate provisions for student medical and accident insurance authorized by this section shall be set by

Kentucky Revised Statutes

ANNOTATED

OFFICIAL EDITION

Containing Statute Laws of the Commonwealth of a General and Permanent Nature in Effect as of January 1, 1987

Volume 7A

1987 REPLACEMENT

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163.086. Governor's council on vocational education — Membership — Responsibilities — Reimbursement for expenses. — (1) There shall be a governor's council on vocational education, consisting of thirteen (13) members appointed by the governor.

(2) Members shall be appointed for three (3) year terms. Any vacancy occurring on the council shall be filled by the governor for the unexpired term. All appointments shall conform to the requirements of Section 112 of Public Law 98-524. Members shall be representative of citizens and groups within the state having an interest in vocational education as follows: five (5) members shall represent business, industry and agriculture, including one (1) member who represents small business concerns and one (1) member who is a private sector member of the state job training coordinating council; two (2) members shall represent labor organizations; and six (6) members shall represent secondary and postsecondary vocational institutions, career guidance, special education, counseling organizations and special populations to include women, the disadvantaged, the handicapped, individuals with limited English proficiency and minorities.

(3) Members shall select from among its membership a chairperson who shall be representative of the private sector. A quorum of the council shall consist of seven (7) members, and a quorum at any duly-called meeting may act on any matter before it for consideration. Each member shall have one (1) vote.

(4) Members shall be reimbursed only for actual expenses incurred in the discharge of official business, subject to regulations established by the finance and administration cabinet. All expenses reimbursed to members shall be paid from operating funds available to the governor's council on vocational education.

(5) The council shall be assigned the duties, responsibilities and operation requirements as specified in Public Law 98-524 to include the following:

(a) Meet with the state board of education or its representatives during the planning year to advise on the development of the state plan;

(b) Advise the state board of education and make reports to the governor, the business community and the general public of the state concerning the policies the state should pursue to strengthen vocational education, with particular attention to programs for the handicapped; and initiatives and methods the private sector could undertake to assist in the modernization of vocational education programs;

(c) Analyze and report on the distribution of spending for vocational education in the state and on the availability for vocational education activities and services within the state;

(d) Furnish consultation to the state board of education on the establishment of evaluation criteria for vocational education programs within the state;

(e) Submit recommendations to the state board of education on the conduct of vocational education programs conducted in the state;

(f) Assess the distribution of financial assistance furnished under the Carl D. Perkins Vocational Education Act (Public Law 98-524), particu-

larly with the analysis of the distribution of financial assistance between secondary and postsecondary vocational education programs;

(g) Recommend procedures to the state board of education to ensure and enhance the participation of the public in the provision of vocational education at the local level within the state, particularly the participation of local employers and local labor organizations;

(h) Report to the state board of education on the extent to which special populations are provided with equal access to quality vocational education programs;

(i) Evaluate at least once every two (2) years the vocational education program delivery systems and make recommendations to the state board of education on the adequacy and effectiveness of the coordination that takes place between vocational education and the Job Training Partnership Act; and

(j) Advise the governor, the state board of education, state job training coordinating council, the secretary of the cabinet for human resources, and the secretary of labor of these findings and recommendations.

(6) The council shall be authorized to adopt bylaws providing for the call of its meetings, which shall be held at least quarterly, and for its operating procedures for the official conduct of business. The council shall hold not less than one (1) public meeting each year at which the public shall be given an opportunity to express views concerning the vocational education program of the state.

(7) The council is authorized to obtain the services of such professional, technical and clerical personnel as may be necessary to carry out its functions and to contract for such services as may be necessary to enable the council to carry out its evaluation functions, independent of programmatic and administrative control by other state boards, agencies, and individuals.

(8) The council shall be authorized to accept and use all available funds including, but not limited to federal grants. Such funds shall not be diverted or reprogrammed for any other purpose by any state agency or individual. The council shall designate an agency within the education and humanities cabinet to act as its fiscal agent for purposes of disbursement, accounting and auditing. (Enact. Acts 1976, ch. 327, § 6; 1978, ch. 154, § 42, effective June 17, 1978; 1978, ch. 155, § 83, effective June 17, 1978; 1980, ch. 295, § 42, effective July 15, 1980; 1986, ch. 24, § 1, effective July 15, 1986.)

Compiler's Notes. The Carl D. Perkins Vocational Education Act (Public Law 98-524), referred to in this section, is codified as 20 U.S.C. §§ 2301-2471.

163.087. Tuition and fees in vocational schools. — Tuition and fees for secondary pupils enrolled in the state vocational-technical schools and area vocational education centers shall be free to all residents of Kentucky. The state board of education shall fix the rate of tuition and fees for postsecondary pupils and adults who are enrolled in the state operated vocational-technical schools and area vocational education centers. The state

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COUNCIL ON HIGHER EDUCATION

164.010. Council on higher education — Membership — Terms. — There shall be a council on higher education in Kentucky, to be composed of the superintendent of public instruction, and seventeen (17) lay members appointed by the governor, one (1) from each congressional district, eight (8) from the state at large which shall include a student member, who shall

be enrolled as a full-time student at a state public institution of higher education, shall be a resident of the commonwealth as determined by the residency guidelines of the council, and shall be elected annually in the following manner: not later than July 1 of each year the president of the student body of each four-year state public institution of higher education shall submit to the governor one (1) nominee; from this list of nominees, the governor shall appoint a student member, one (1) from a list of two (2) nominated by the president pro tem of the senate, and one (1) from a list of two (2) nominated by the speaker of the house of representatives. Among the lay members, there shall be at least one (1) undergraduate degree recipient from each of the state universities to be appointed by the governor. The lay members shall constitute the voting membership of the council. The lay members shall be appointed for regular terms of four (4) years except for the student member who shall serve a one (1) year term, with the initial appointment of four (4) members for one (1) year, four (4) members for two (2) years, four (4) members for three (3) years and four (4) members for four (4) years. Whenever a lay member's term expires after July 15, 1982, the member appointed by the governor to fill the vacancy shall be appointed for a four (4) year term in the same manner as the initial appointment. Any person, other than the superintendent of public instruction, holding either an elective or appointive state office or who is a member of the governing board of any state university in Kentucky shall be ineligible for membership or appointment on the council during his membership or term of office. When the council meets to consider curricula for teacher education, three (3) persons who are from accredited institutions of higher learning, and who have been appointed by the executive committee of the Kentucky association of colleges, secondary and elementary schools, shall be invited to meet with the council in an advisory capacity. (4527-1 to 4527-3: amend. Acts 1952, ch. 41, § 5; 1962, ch. 129, § 1; 1966, ch. 6, § 1; 1972, ch. 39, § 1; 1978, ch. 155, § 105, effective June 17, 1978; 1980, ch. 10, § 1, effective July 15, 1980; 1982, ch. 379, § 3, effective April 9, 1982.)

Compiler's Notes. The provisions in this section, which authorize the Speaker of the House of Representatives and the President Pro Tempore of the Senate to make a list of nominees from which the Governor was to appoint members to the Council on Higher Education were declared invalid in Legislative Research Comm'n ex rel. Prather v. Brown, 664 S.W.2d 907 (Ky. 1984).

Cross-References. Archives and Records Commission, nomination of members, KRS 171.420.

Books furnished and aid given to university and teachers colleges by state librarian, KRS 57.300 to 57.320, 171.140; and by county librarians, KRS 172.160.

Library science scholarships, KRS 171.303.

Kentucky Law Journal. Snyder and Irland, The Separation of Governmental Powers Under the Constitution of Kentucky: A Legal and Historical Analysis of L.R.C. v. Brown, 73 Ky. L.J. 165 (1984-85).

Northern Kentucky Law Review. Notes, School Law — Nonrenewal of Nontenured Teacher's Contract — Procedural Due Process — Wells v. Board of Regents, 545 F.2d 15 (6th Cir. 1976) and Plummer v. Board of Regents, 552 F.2d 716 (6th Cir. 1977), 5 Northern Ky. L. Rev. 141 (1978).

Opinions of Attorney General. While membership on the Council on Public Higher Education (now Council on Higher Education), established pursuant to this section, would constitute the holding of a state office; membership on a consolidated planning and zoning commission is neither a city, county nor state office as contemplated by either Const., § 165 or KRS 61.080, so that no con-

stitutional or statutory incompatibility exists that would prohibit a person from holding both offices at the same time. OAG 69-19.

The ex officio members of the council are vested with the same authority as lay members with the exception of voting. OAG 71-59.

There is no substantial legal basis for the proposition that ex officio members are precluded from making and/or seconding motions on matters of business brought before the council. OAG 71-59.

KRS 156.031 and this section contain clearly irreconcilable, repugnant provisions, as KRS 156.031 directs the State Board of Education to elect one of its own to serve as an ex officio member of the Council while this section, as amended, has not only deleted the reference to the State Board member on the Council but also provides that the Council is to be composed of the State Superintendent of Public Instruction and 17 lay members appointed by the Governor thus leaving no seat on the Council to be occupied by a State Board of Education member. As Acts 1982, ch. 379, amending this section, became operative on April 9, 1981, and Acts 1982, ch. 381, creating KRS 156.031, did not become effective until July 15, 1982, the language in this section prevails so that no member of the State Board of Education will be entitled to sit on the Council of Higher Education. OAG 82-357.

NOTES TO DECISIONS

1. Constitutionality.

The power to appoint members of boards and agencies within the executive department of government is an essentially executive power which cannot be exercised by any member of the legislative department; accordingly, the provisions in this section by which the Speaker of the House of Representatives and the President Pro Tem of the Senate are authorized to make a list of nominees from which the Governor must select his appointments to the Council on Higher Education are an invalid unconstitutional incursion by the General Assembly, or in this case, its designees, into the separation of powers doctrine. Legislative Research Comm'n ex rel. Prather v. Brown, 664 S.W.2d 907 (Ky. 1984).

Collateral References. 14 C.J.S., Colleges and Universities, § 16.

164.020. Powers and duties of council. — The council on higher education in Kentucky shall:

(1) Engage in analyses and research to determine the overall needs of higher education in the Commonwealth.

(2) Develop and transmit to the governor comprehensive plans for public higher education which meet the needs of the Commonwealth. The plans so developed shall conform to the respective functions and duties of the state universities, the community colleges, and the University of Kentucky as provided by statute. The council shall for all purposes of federal legislation relating to planning be considered the "single state agency" as that term may be used in such federal legislation; provided, however, that when such federal legislation requires additional representation on any such "single state agency" the council on higher education shall establish such advisory groups as may be necessary to satisfy such federal legislative or regulatory guidelines.

(3) Determine tuition and approve the minimum qualifications for admission to the public institutions of higher education. In determining the tuition for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions, and such other factors as the council may in its sole discretion deem pertinent.

(4) Consider the requirements and review the budget requests, which shall be prepared in the manner and submitted by the institutions to the council by dates prescribed by the council, of the institutions of public higher education as to their appropriate level of support considering the functions of the institutions and their respective needs. The council, in cooperation with the university presidents, shall devise, establish, and periodically review and revise formulas for use in making recommendations to provide to the governor and the legislature for use in making appropriations for the institutions of higher learning. The formulas shall provide for adequate and equitable allocation of funds among the several universities considering their respective needs and statutory, institutional, and geographic missions. In the development, revision, and refinement of such formulas, committees composed of members of the council staff and a representative of each of the state universities shall conduct hearings on each campus in a manner to give all principal segments of each institution the opportunity to participate in the development of the formulas. The studies shall include, but not be limited to:

(a) A review of formulas used by other states to calculate needs and appropriate funds for institutions of higher education;

(b) A complete review of selected comparable institutions with reference to both the state appropriations and tuition charges, and

(c) A review of institutional activities and programs that can be calculated for use in the development of the formulas.

There shall be included in the final report the institutional responses to the studies and their recommendations and the recommendations of the advisory conference of presidents. Nothing in this chapter shall prevent or prohibit the governor, the legislature, the council on higher education, or the governing board of any institution of higher education from requesting or recommending deviations from any applicable formula or formulas prescribed by the council on higher education and advancing reasons and arguments in support of them. The individual institutions' budget requests, including tuition and registration fee schedules for all categories of students, along with council recommendations shall be submitted to the governor through the finance and administration cabinet not later than November 15 of each odd numbered year. The council shall submit a separate budgetary recommendation for the University of Kentucky community college system.

(5) Review and approve all capital construction projects the cost of which exceeds two hundred thousand dollars ($200,000) approved by the governing boards of the state-supported institutions of higher education prior to the institutions' submission of such projects to the finance and administration cabinet and/or state property and buildings commission.

(6) Require reports from the executive officer of each institution it deems necessary for the effectual performance of its duties.

(7) Publish annually a report of the educational and financial affairs of the institutions and disseminate other information relating to higher education.

(8) Define and approve the offering of all higher education associate, baccalaureate, graduate, and professional degree or certificate programs in the state-supported higher education institutions; review proposals and make recommendations to the governor regarding the establishment of new state-supported community colleges and new four-year colleges. Provided, nothing in KRS 164.010, 164.020, 164.125, and 164.290 to 164.295 shall be construed to grant the council on higher education authority to disestablish or eliminate any college of law which became a part of the state system of higher education through merger with a state college.

(9) Approve the teacher education programs in the public institutions.

(10) Elect a chairman annually from the voting membership and appoint an executive director and such staff as may be needed and fix their compensation without limitation of the provisions of KRS Chapter 18A and KRS 64.640 subject to the approval of the commissioner of personnel and the secretary of the finance and administration cabinet.

(11) Constitute the representative agency of the Commonwealth in all matters of higher education of a general and statewide nature which are not otherwise delegated to one or more institutions of higher learning. Such responsibility may be exercised through appropriate contractual relationships with individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment.

(12) Develop procedures for the approval of a designated receiver to provide for the maintenance of student records of the public institutions of higher education and the colleges as defined in KRS 164.945, and institutions operating pursuant to KRS 165A.310 which offer collegiate level courses for academic credit, which cease to operate after July 15, 1980. Procedures shall include assurances that, upon proper request, subject to federal and state laws and regulations, copies of student records shall be made available within a reasonable length of time for a minimum fee. (4527-1, 4527-3: amend. Acts 1956, ch. 163, § 1; 1966, ch. 6, § 2; 1968, ch. 152, § 118; 1972, ch. 39, § 2; 1974, ch. 74, Art. II, § 9(2); 1978, ch. 155, §§ 41, 106, effective June 17, 1978; 1978, ch. 295, § 1, effective June 17, 1978; 1980, ch. 71, § 1, effective July 15, 1980; 1982, ch. 379, § 4, effective April 9, 1982.)

Budget References. See Appendix A to KRS Ch. 47, Acts 1986, ch. 401, Part I, Section G, Item 46.

Opinions of Attorney General. KRS 2.015, lowering the age of majority to 18 must be applied to the question of establishment of residence for tuition purposes. OAG 68-170.

The annual leave benefits of the executive director of the Council on Public Higher Education (now Council on Higher Education) are subject to Rule 15, "Service Regulations," revised January 1, 1964, of the commonwealth's personnel rules. OAG 70-532.

The council does have the authority to "approve" a new professional school (engineering, dentistry, law, etc.) in the context of its planning function and also the discretion of nonapproval. OAG 71-251.

The General Assembly has reserved to itself the prerogative of delineating programs, roles, purposes and the types of colleges or schools which the state universities and colleges are authorized to provide. OAG 71-251.

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This section, although requiring the Council on Public Higher Education (now Council on Higher Education) to "approve" all new professional schools and authorizing the council to give such approval in the planning context, falls short of delegating to the council the power to actually create and/or establish such new schools. OAG 71-251.

The provisions of this section as to determination of curricula for teacher education are superseded and impliedly repealed by the provisions of KRS 161.030 as amended by Acts 1972, ch. 248, § 1. OAG 72-272.

The Council on Public Higher Education (now Council on Higher Education) professional education staff members may participate in any qualified nonprofit professional educators retirement program, plan, or system as subsection (10) of this section provides for "compensation" of staff members which would include such fringe benefits as the retirement plan the Council elects to provide for its staff members. OAG 73-292.

Subsection (3) of this section clearly authorizes the Council on Public Higher Education (now Council on Higher Education) to consummate and implement both the proposal for an academic common market and the proposal for a reciprocal tuition agreement with the state of Tennessee or any other state when such an agreement is, in the discretion of the Council, advantageous to the higher education programs for the citizens of Kentucky. OAG 74-12.

A professional program in subsection (8) is a program in a field where the graduate is required to obtain a license or certificate to practice his profession or a program where accreditation by a regional or national association is available. OAG 74-283.

Under subsection (8), the council has the power to review, approve or disapprove all proposed new programs in professional fields, whether the programs are pre- or post-baccalaureate. OAG 74-283.

KRS 314.111 vests the Kentucky Board of Nursing Education and Nurse Registration with the responsibility of approving all nursing education programs and nursing schools within the commonwealth and this responsibility is not superseded by this section or by KRS 164.945 or 216.040 (repealed). OAG 75-251.

If no single institution of higher education has the responsibility for the development of a clinical educational experiences program or a statewide higher education television program, then under subsection (11), the council has the overall responsibility for the supervision and operation of such programs. OAG 78-533.

It is within the powers of the Board of Regents to establish a mandatory entertainment fee to be charged students for the financing of plays, concerts, movies and other activities. OAG 78-170.

Collateral References. 14 C.J.S., Colleges and Universities, § 18.

164.021. Advisory conference of presidents. — The president or chief executive officer of each four (4) year state institution of higher learning shall serve on an advisory conference for the council on higher education. The advisory conference of presidents will receive the full agenda for each meeting of the council a reasonable time prior to the council meeting and, in the event of viewpoints differing from the council on higher education, an elected spokesperson for the conference may meet with the council and the executive committee to present before the council the institutional positions on such issues. At least once each year the council on higher education will meet with the advisory conference of presidents. (Enact. Acts 1982, ch. 379, § 5, effective April 9, 1982.)

164.022, 164.024. Center for education statistics — Office of geriatrics-gerontology. [Repealed.]

Compiler's Notes. These sections (Acts 1978, ch. 155, §§ 107, 112, effective June 17, 1978) were repealed by Acts 1982, ch. 379, § 11, effective April 9, 1982.

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164.025. Medical research and education program. [Repealed.]

Compiler's Note. This section (Acts 1956 (1st Ex. Sess.), ch. 7, Art. XIV, § 4) was repealed by Acts 1964, ch. 8, § 2.

164.026. State support for University of Louisville. — (1) The general assembly recognizes the continuing need for education and research in Kentucky, and that the need is larger than the capacity of the facilities of the state universities to supply. The general assembly finds that the University of Louisville helps to supply, for the entire state, the need, and declares that support of the University of Louisville is a public purpose for which public money may be validly expended.

(2) The University of Louisville shall keep its books and records available to the state auditor. An audit of expenditure of public money by the university is subject to the laws generally governing audits of expenditures of public money. (Enact. Acts 1964, ch. 8, § 1; 1968, ch. 183, § 1.)

Collateral References. 15A Am. Jur. 2d. Colleges and Universities. §§ 30, 31.

164.027. Occupational qualification development program — State payments to participating municipal junior colleges. — (1) The council on higher education shall have authority to provide for a program of occupational qualification development in the Commonwealth. The program may be provided for by contract with any recognized and accredited municipal junior college located within the Commonwealth. Such contract shall provide that the college shall admit to its course of instruction, up to such percentage of its full teaching capacity as may be fixed by contract, residents of the Commonwealth who make application to pursue the course of study of such college: provided however, that such persons shall be certified to the council as to status of residency by the state superintendent of public instruction and shall be eligible for admissions to said junior college.

(2) The council on higher education shall pay to the college not more than two hundered dollars ($200) per school year for each such student enrolled. Such payments shall be additional to the annual tuition fees paid by each such student. The council shall have authority to provide by contract that it pay the expense of specific research projects or programs conducted by the college. The council shall make an annual report of its occupational qualification development program after June 30 of each year, including an accounting of all moneys received and disbursed. The council shall have no authority to incur any obligation in excess of the sums that have been appropriated to it. (Enact. Acts 1962, ch. 115, § 1; 1964, ch. 26, § 1; 1978, ch. 155, § 104, effective June 17, 1978.)

164.028. Office of professional education. — There shall be established in the council on higher education an office of professional education preparation programs. The office shall have as its principal responsibility the coordination, development, and implementation, through appropriate means, of educational activities directed toward solving the problem of professional manpower distribution in the Commonwealth. For the purposes of KRS 164.028 to 164.029, the words "profession" and "professional" mean medicine and dentistry. (Enact. Acts 1980, ch. 20, § 1, effective July 15, 1980.)

164.0281. Duties of office of professional education preparation programs. — The office of professional education preparation programs shall coordinate, promote and support activities designed to:

(1) Identify high school students and other individuals from designated underserved areas of the Commonwealth who have indicated an interest in, and demonstrated potential for pursuing professional careers;

(2) Provide special educational opportunities for such students to prepare themselves for admission to, and graduation from, professional schools;

(3) Provide extramural (off-campus) educational opportunities for professional students in rural and other designated underserved areas of the Commonwealth;

(4) Identify currently enrolled professional students, postgraduate trainees and residents who are deemed to have realistic potential for recruitment to practice in underserved areas of the Commonwealth;

(5) Provide for the intensive recruitment of such students and postgraduate trainees for practice in underserved areas;

(6) Provide technical assistance to communities in their professional manpower recruitment efforts. (Enact. Acts 1980, ch. 20, § 2, effective July 15, 1980.)

164.0282. Duties of council on higher education as to professional education preparation programs. — The council on higher education shall:

(1) Employ a director and sufficient staff to administer the professional education preparation programs;

(2) Formulate guidelines and policies governing program activities and fund expenditures;

(3) Allocate funds to appropriate agencies, organizations, and institutions for the purpose of conducting activities approved in accordance with guidelines and policies;

(4) Recognize regional groups made up of professionals, educators, and consumers, which shall serve in an advisory capacity to the council in accordance with guidelines and policies;

(5) Recognize a group made up of professionals, educators and consumers which shall serve in an advisory capacity to the council on all program matters;

(6) Develop and maintain a mechanism for evaluating the impact of the program activities on admissions to, and graduation from, professional schools, and on professional manpower distribution;

(7) Conduct specific program activities which are beyond the capability of a single institution, agency, or organization, or when it is determined that it would be inappropriate for such institutions, agencies, or organizations to conduct the activity;

(8) Establish liaison with and provide assistance to the state board of education in developing counseling and other related programs to encourage students from shortage areas to prepare for professional careers;

(9) Coordinate the development of a financial support system to enable potential professional students in underserved areas which will enhance their ability to apply for, be admitted to, and graduate from professional education programs;

(10) Report at least annually to the appropriate committees and interim committees of the general assembly on the operation of the program. (Enact. Acts 1980, ch. 20, § 3, effective July 15, 1980.)

164.0283. Publication of admissions criteria by public professional schools. — Every institution of higher education in the Commonwealth of Kentucky offering professional education programs in the areas of medicine and dentistry shall establish and publish the criteria by which applicants for admission are evaluated and the approximate weight of each criteria including a criterion based upon permanent residence in underserved or underrepresented areas of the Commonwealth. (Enact. Acts 1980, ch. 20, § 4, effective July 15, 1980.)

164.029. Recognition of area health education system. — The area health education system in the council on higher education is hereby recognized. (Enact. Acts 1980, ch. 20, § 5, effective July 15, 1980.)

164.030. Regulations of council to be followed by state educational institutions. — The governing board of each of the state institutions of higher learning shall make such changes or adjustments in the curricula and such rules and regulations affecting their schools as are necessary to carry out and put into effect the rulings of the council on higher education in regard to curricular offerings, entrance fees and qualifications for admission to and reports from their respective institutions. (4527-4: amend. Acts 1952, ch. 41, § 7; 1978, ch. 155, § 104, effective June 17, 1978.)

Collateral References. 14 C.J.S., Colleges and Universities, § 24.

164.040. Expenses of council. [Repealed.]

Compiler's Notes. This section (4527-5) was repealed by Acts 1956, ch. 163, § 2.

164.050. Compensation and expenses of members. — The members of the council shall receive sixty-five dollars ($65.00) per day for each council meeting attended and shall be reimbursed for their necessary traveling and other expenses while attending the meetings of the council. Each institution shall pay the expenses of its own representatives. The expenses of the members of the state board of education and of the superintendent of public instruction shall be paid by the state in the same manner as their other traveling expenses are paid. (4527-6: amend. Acts 1978, ch. 154, § 9, effective June 17, 1978; 1978, ch. 155, § 83, effective June 17, 1978.)

164.060. Meetings, number of — Special meetings. — The council shall meet at least four (4) times each year at such times as it determines by resolution. Special meetings may be called by the chairman. Upon request of three (3) institutions represented on the council, the chairman shall call a special meeting. (4527-7: amend. Acts 1962, ch. 129, § 2.)

164.070. Place of meeting. — The council shall meet in the office of the executive director or such other place as it designates. (4527-8: amend. Acts 1978, ch. 295, § 2, effective June 17, 1978.)

164.080. Notice of meeting. — Notice of each meeting shall be given by the chairman at least ten (10) days prior to the time of the meeting, unless all members of the council waive notice. (4527-9.)

164.090. Quorum. — A majority of the voting members of the council constitutes a quorum for the transaction of business, but no business shall be transacted and no proposition carried unless a majority of the voting members votes for it. (4527-10: amend. Acts 1978, ch. 295, § 3, effective June 17, 1978.)

University of Kentucky

164.100. University of Kentucky recognized. — The University of Kentucky located at Lexington, is recognized as established and maintained. It is the institution that was founded under the land grant of 1862 by the congress of the United States under the corporate designation and title of "Agricultural and Mechanical College of Kentucky." The university shall be maintained by the state with such endowments, incomes, buildings and equipment as will enable it to do work such as is done in other institutions of corresponding rank, both undergraduate and postgraduate, and embracing the work of instruction as well as research. (4527-11.)

164.0282. Duties of council on higher education as to professional education preparation programs.

Compiler's Notes. Under authority of Acts 1988, ch. 361, § 17, "state board for elementary and secondary education" should be substituted for "state board of education" throughout this section, wherever it appears.

Council on Higher Education

164.050. Compensation and expenses of members.

Compiler's Notes. Under authority of Acts 1988, ch. 361, § 17, "state board for elementary and secondary education" should be substituted for "state board of education" throughout this section, wherever it appears.

University of Kentucky

164.130. Board of trustees. — (1) The government of the University of Kentucky is vested in a board of trustees consisting of sixteen (16) competent citizens of Kentucky appointed by the governor, two (2) members of the faculty of the University of Kentucky, one (1) member of the teaching faculty of the community college system, and one (1) member of the student body of the University of Kentucky. The voting members of the board shall select a chairman annually. The terms of the appointed members shall be for four (4) years and until their successors are appointed and qualified. Four (4) of the sixteen (16) appointed members shall be appointed each year. Three (3) of the appointed members shall be representative of agricultural interests, three (3) shall be alumni of the university, and ten (10) shall be other distinguished citizens of the state representative of the learned professions. The governor shall so make the appointments as to divide the representation on the board as equally as possible between the two (2) leading political parties of this state. Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for the original appointments.

(2) The two (2) University of Kentucky faculty members shall be of the rank of assistant professor, or above. They shall be elected by secret ballot by all University of Kentucky faculty members of the rank of assistant professor and above. Faculty members shall serve for terms of three (3) years and until their successors are elected and qualify. Faculty members shall be eligible for reelection, but they shall be ineligible to continue to serve as members of the board of trustees if they cease to be members of the faculty of the university. Elections to fill vacancies shall be for the unexpired term in the same manner as provided for original elections.

(3) The faculty member representing the community college system shall be a teaching or research member at one of the community colleges. The community college faculty member shall be elected by secret ballot by members of the community college faculties. The community college faculty member shall serve for a three (3) year term and until a successor is elected and qualified. No community college shall have a faculty representative on the board of trustees for more than one (1) term in succession. The community college faculty member shall be ineligible to continue to serve as a member of the board of trustees if he ceases to be a member of the faculty at one of the community colleges. Election to fill a vacancy shall be made for the unexpired term in the same manner as provided for original election.

(4) The student member shall be the president of the student body of the university during the appropriate academic year. If the student member

does not maintain his position as student body president or his status as a full-time student at any time during that academic year or does not maintain his permanent residency in the Commonwealth of Kentucky, a special election shall be held to select a full-time student who does maintain permanent residency in this Commonwealth as the student member. The student member shall serve for a term of one (1) year beginning with the first meeting of the fiscal year which contains that academic year.

(5) No member of the administrative staff of the university shall be directly or indirectly interested in any contract with the university for the sale of property, materials, supplies, equipment or services, with exception of compensation to the three (3) faculty members.

(6) The number of student and employe trustees of the University of Kentucky elected to the board shall not exceed four (4). (Repealed, reenact. and amend. Acts 1988, ch. 53, § 1, effective July 15, 1988.)

Legislative Research Commission Note. Acts 1988, ch. 53, § 4, provides: "Any person who has been appointed for a six (6) year term on a university governing board shall serve four (4) years from the date of his appointment, at which time his term of office shall expire. The term of office of any person who on the effective date of this Act has served in excess of four (4) years shall expire on the effective date of this Act or when his successor is appointed and qualified. Nothing in this Act shall affect the validity of any action taken by a board at the time when the composition of the board included members who had served in excess of four (4) years."

Cited: Lexington Herald-Leader Co. v. University of Ky. Presidential Search Comm., 732 S.W.2d 884 (Ky. 1987).

164.283. Student academic records confidential — Exceptions. — (1) As used in this section unless the context otherwise requires:

(a) "Academic" means a student's official record of academic performance, including, but not limited to transcript of grades or other action taken by the institution directly related to academic performance. The term "academic" does not include any nonacademically-related action the institution may take.

(b) "Universities and colleges" means all public supported institutions of higher learning in Kentucky.

(c) "Institution" means all public supported institutions of higher learning in Kentucky.

(2) All student academic records shall be confidential, with the exception of the exemptions stated in subsections (3) to (9) of this section, and shall not be released by any public supported institution of higher education in Kentucky, to any person, organization, institution, group or agency, except with the express consent of the individual student. This confidentiality shall apply only to student academic records, including, but not limited to official transcript of grades.

(3) All student academic records shall be made available upon request to any agency of the federal or state government for the purpose of determining a student's eligibility for military service, and shall include making such records available to local draft boards. This authority shall be limited only to determining the student's eligibility for military service and shall not be extended, except with the individual student's consent as specified in subsection (2) of this section.

(4) Any institution may provide the legal parents of any student under twenty-one (21) years of age with a copy of the student's academic record.

(5) All student academic records shall be made available to any federal, state, or local law enforcement agency and any court of law upon request or issuance of a subpoena.

(6) All student academic records shall be made available upon request to any grantor of scholarships or loans based upon the maintenance of a satisfactory level of scholarship, but shall be for the official use of the grantors only.

164.140. Selection of alumni trustees. — The board of trustees of the university shall prescribe the method by which the alumni may, at their annual meeting or at a special meeting called for that purpose, nominate to the governor three (3) persons from whom the alumni members shall be appointed. No alumnus shall be permitted to vote for the nomination of alumni trustees in the year in which he secures his degree. If the alumni fail to make nominations to the governor for any year in which nominations are to be made, the governor shall for that year appoint the alumni trustees from the entire alumni, a list of which shall be provided by the secretary of the alumni association. (4527-13.)

Collateral References. 14 C.J.S., Colleges and Universities, § 17.

164.150. Trustees not public officers — Exception. — No member of the board of trustees shall be held to be a public officer by reason of his membership on the board except as provided in KRS 45A.335 for the purpose of KRS 45A.340. (4527-13: amend. Acts 1978, ch. 392, § 4, effective June 17, 1978; 1980, ch. 188, § 123, effective July 15, 1980.)

Cited: Reynolds v. Board of Educ., 311 Ky. 458, 224 S.W.2d 442 (1949).

Collateral References. 15A Am. Jur. 2d, Colleges and Universities, § 14.

14 C.J.S., Colleges and Universities, § 18.

164.160. Trustees constitute body corporate — Power to receive and administer revenue and property. — The board of trustees shall be a body corporate, under the name of board of trustees of the University of Kentucky, with the usual corporate powers, and shall possess all the immunities, rights, privileges and franchises usually attaching to the governing bodies of educational institutions. It may receive, hold and administer, on behalf of the university, subject to the conditions attached, all revenues accruing from endowments, appropriations, allotments, grants or bequests, and all types of property. (4527-18.)

Opinions of Attorney General. The governing bodies of the state university and colleges, under their power of appointment and their power to operate the institutions, have an area of reasonable discretion in effecting payment of recruiting expenses such as travel and lodging, whether those interviewed are employed or not, out of funds labelled "general expense." OAG 64-421.

NOTES TO DECISIONS

1. Authority of Trustees.

Appropriation of sum of money for general purpose of capital outlay at University of Kentucky was not invalid by reason of not being sufficiently specific, since the appropriation must be considered in the light of the authority given the board of trustees to determine, in the exercise of a reasonable discretion, the needs and requirements of the University and to make the necessary expenditures. Commonwealth ex rel. Meredith v. Johnson, 292 Ky. 288, 166 S.W.2d 409 (1942).

Collateral References. 15A Am. Jur. 2d, Colleges and Universities, § 3.

14 C.J.S., Colleges and Universities, § 18.

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164.165. University may operate printing plant. — The University of Kentucky, a state educational institution of higher learning which has an established printing plant therein and which is engaged in the publication of scholarly works as a related educational activity, may engage in the usual activities related to editing and publishing such scholarly works, including the printing thereof, for persons, or entities, engaged in any phase of higher education or related activities. (Enact. Acts 1966, ch. 130.)

Collateral References. 14 C.J.S., Colleges and Universities, § 6.

164.170. Meetings of board — Quorum — Expenses — Public character. — (1) The board of trustees of the university shall meet on Tuesday preceding the regular annual commencement of the university, on the third Tuesday in September, on the second Tuesday in December, and on the first Tuesday in April of each year. Special meetings may be called by the chairman or by any three (3) members upon giving ten (10) days' written notice to each member of the board of trustees. The business to be transacted at special meetings shall be specified in the notice of the meeting. All meetings shall be held on the campus of the university unless otherwise specified by a majority vote of the board of trustees. A majority of the voting members of the board of trustees shall constitute a quorum. All necessary expenses incurred by the trustees in going to, returning from and while attending meetings of the board of trustees shall be paid out of the funds of the university.

(2) The meetings of the board of trustees shall be open to the public. The board of trustees shall cause a stenographic transcript of each of its meetings to be prepared and filed. An agenda for each of the meetings shall be sent to each member of the board of trustees and a copy thereof made available to the press. (4527-14 to 4527-16: amend. Acts 1960, ch. 112, § 2.)

Opinions of Attorney General. Under subsection (2) of this section, the provision of an agenda for both voting and nonvoting members of the board is mandatory. OAG 70-199.

This section applies to the meetings, regular or special, mentioned in subsection (1) of this section, but not to any other assembly of the board of trustees where no formal action is taken and, specifically, the mandate that meetings shall be open to the public does not apply to the assembling of the board for lunch and informal discussion, but what is mandated is that all meetings, regular and special, where official decisions are made and recorded, shall be open to the public. OAG 73-214.

164.180. Officers of board — Bylaws. — The board of trustees may elect a vice-chairman and such other officers as it deems wise, and may make such bylaws, rules and regulations consistent with this chapter as it deems proper. (4527-17.)

Collateral References. 15A Am. Jur. 2d, Colleges and Universities, § 5.

164.190. Executive committee. — The board of trustees shall annually elect an executive committee of five (5) members, which shall have the powers that the board delegates to it. The executive committee shall submit to the board of trustees at each meeting, for its consideration and approval, a complete record of the proceedings of the executive committee. The authority of the board to revise the acts of the executive committee does not extend to the rejection of any valid or any authenticated expenditure of money by the executive committee. (4527-27.)

164.200. Regulations for university — Physical training and discipline of students. — The board of trustees may establish proper regulations for the government of the university and the physical training, military or otherwise, of the students. It may authorize the suspension and dismissal of students for neglect or violation of the regulations, or for other conduct prejudicial to the character and welfare of the university. (4527-20.)

Opinions of Attorney General. Failure of a grand jury to indict a student did not constitute a bar to disciplinary action administered by the university for the conduct complained of. OAG 69-357.

The establishment of regulations which may limit the access of students and/or nonstudents to the campus, or which may condition their access upon certain reasonable requirements based upon the necessity for preservation of order and/or protection of students, staff or facilities is a proper exercise of the board's legal authority. OAG 69-357.

There can be no question of double jeopardy involved in the meting out of disciplinary action by a state university for conduct which is also prosecuted in the courts as a violation of state and/or federal law. OAG 69-357.

Where there was no apparent abuse of discretion on the part of the editor of the university yearbook, no action would lie for the misuse of public funds where the subscribers to the yearbook objected to its content. OAG 70-496.

Where the obscenity in a student publication would appear to offend the university code's standards of conduct for a student free press and the standards for student conduct, the university is properly within its lawful authority in refusing to accede to the request for university distribution of the publication. OAG 70-790.

Collateral References. 15A Am. Jur. 2d, Colleges and Universities, §§ 22, 25.

14 C.J.S., Colleges and Universities, §§ 3, 24, 26.

164.210. Colleges, departments and bureaus determined by trustees. — The trustees may determine from time to time the colleges, schools, divisions, departments, bureaus and offices which the university shall comprise within the scope of the acts of congress approved July 2, 1862, and acts supplementary thereto, and the relation which each division shall sustain to each other division and to the whole. They may devise, allot and arrange the distribution of divisions with the designation appropriate for each, and devise the means required for their effective instruction, administration and government. They may do all other acts that are needful for the welfare of the university. (4527-21.)

Cross-References. Kentucky geological survey established at university, KRS 151.010.

Collateral References. 14 C.J.S., Colleges and Universities, § 18.

164.220. Appointment, salaries and retirement benefits of university personnel. — (1) The board of trustees may appoint a president, professors, assistants, tutors and other personnel and determine the compensation, duties and official relations of each. In the appointment of presidents, professors or instructors no preference shall be shown to any religious denomination.

(2) The board of trustees shall provide the compensation for all positions created and filled by the board. In addition thereto the board may provide for employe retirement benefits and such other employe benefits as are related to the respective employments and services rendered.

(3) The board of trustees may establish and maintain such retirement plan or plans as it may deem to be for the best interests of the University of Kentucky, including, but without limitation, the retirement ages, the benefits of such employes including group insurance, annuities, establishment of a trust fund or funds; and, the amounts to be paid or contributed by such employes and the amounts to be paid or contributed by the University of Kentucky and other appropriate terms and provisions with respect thereto. (4527-21, 4527-24: amend. Acts 1964, ch. 82.)

Cross-References. Social security coverage for employes of state colleges. KRS 61.435.

Opinions of Attorney General. The governing bodies of the state university and colleges, under their power of appointment and their power to operate the institutions, have an area of reasonable discretion in effecting payment of recruiting expenses such as travel and lodging, whether those interviewed are employed or not, out of funds labelled "general expense." OAG 64-421.

Cited: Board of Trustees v. Public Employes Council No. 51, 571 S.W.2d 616 (Ky. 1978); Fayette County Educ. Ass'n v. Hardy, 626 S.W.2d 217 (Ky. Ct. App. 1980).

Collateral References. 15A Am. Jur. 2d, Colleges and Universities, § 11.

14 C.J.S., Colleges and Universities, §§ 20-22.

164.225. Board to have exclusive jurisdiction of appointments, qualifications, compensation, promotions and retirement programs. — Anything in any statutes of the Commonwealth to the contrary notwithstanding, the power over and control of appointments, qualifications, salaries and compensation payable out of the state treasury or otherwise, promotions and official relations of all employes of the University of Kentucky, as provided in KRS 164.220, and, subject to any restrictions imposed by general law, the retirement ages and benefits of such employes, shall be under the exclusive jurisdiction of the board of trustees of the University of Kentucky, which shall be an independent agency and instrumentality of the Commonwealth. (Enact. Acts 1952, ch. 28, § 1.)

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Opinions of Attorney General. The governing bodies of the state university and colleges, under their power of appointment and their power to operate the institutions, have an area of reasonable discretion in effecting payment of recruiting expenses such as travel and lodging, whether those interviewed are employed or not, out of funds labelled "general expense." OAG 64-421.

Cited: Board of Trustees v. Public Employes Council No. 51, 571 S.W.2d 616 (Ky.

1978); Fayette County Educ. Ass'n v. Hardy, 626 S.W.2d 217 (Ky. Ct. App. 1980).
Collateral References. 15A Am. Jur. 2d, Colleges and Universities, § 11.

14 C.J.S., Colleges and Universities, § 18.

164.230. Removal of professors, officers and employes. — The board of trustees has full power to suspend or remove any of the officers, teachers, professors or agents that it is authorized to appoint, but no president, professor or teacher shall be removed except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct. A president, professor or teacher shall not be removed until after ten (10) days' notice in writing, stating the nature of the charges preferred, and after an opportunity has been given him to make defense before the board by counsel or otherwise and to introduce testimony which shall be heard and determined by the board. (4527-21, 4527-22.)

Kentucky Law Journal. Comments. The Dismissal of Public School Teachers for Aberrant Behavior, 64 Ky. L.J. 911 (1975-76).
Cited: Board of Trustees v. Public Employes Council No. 51, 571 S.W.2d 616 (Ky. 1978); Fayette County Educ. Ass'n v. Hardy, 626 S.W.2d 217 (Ky. Ct. App. 1980).

Collateral References. 15A Am. Jur. 2d, Colleges and Universities, §§ 5, 11-13.
14 C.J.S., Colleges and Universities, §§ 17, 21.

164.240. Degrees granted by trustees. — The board of trustees may grant degrees to graduates of the university, prescribe conditions upon which postgraduate honors may be obtained, and confer such honorary degrees, upon the recommendation of the faculty of the university, as it thinks proper. (4527-25.)

Cross-References. State Theatre of Kentucky, college accreditation, KRS 153.110
Collateral References. 15A Am. Jur. 2d, Colleges and Universities, §§ 1, 5, 28, 39.

14 C.J.S., Colleges and Universities, §§ 2, 8, 18.

164.250. Report to legislature. — The board of trustees shall make a full report to the general assembly, within the first month of each regular session, of the condition and operation of the university since the date of the previous report, with such recommendations concerning the university as are deemed necessary. (4527-26.)

Cross-References. Reports to be made to State Board of Education, KRS 157.060.

Collateral References. 14 C.J.S., Colleges and Universities, § 18.

164.260. Purchase or condemnation of property. — The board of trustees may acquire additional lands or other property or material for the purpose of expanding the plant and extending its usefulness. When unable to contract with the owner of land or other property or material necessary for the purposes of the university, it may acquire the same by condemnation proceedings in the manner provided in the Eminent Domain Act of Kentucky. (4527-19: amend. Acts 1976, ch. 140, § 68.)

Cross-References. Commonwealth to be named as grantee of property, KRS 56.030.
Eminent Domain Act of Kentucky, KRS 416.540 to 416.680.

Collateral References. 14 C.J.S., Colleges and Universities, §§ 11, 14.

164.270. Sale of realty — When authorized. — Whenever any real estate held by the Commonwealth for the use or benefit of the University or the Kentucky agricultural experiment station is, in the opinion of the board of trustees of the University, no longer necessary for the purpose of the University or more suitable for some other use consistent with the interests of the University, the board of trustees may, with the approval of the governor, sell or otherwise dispose of such real estate. Such disposition shall be made in accordance with KRS 45.360. This section does not authorize the sale of any real estate situated in the city of Lexington within the area bounded by Winslow Street or Euclid Avenue on the north, Rose Street on the east, Graham Avenue, Graham Avenue extended, and Washington Avenue on the south, and Limestone Street on the west. (4636L-1: amend. Acts 1966, ch. 132, § 1.)

Collateral References. 14 C.J.S., Colleges and Universities, § 14.

164.280. Treasurer of university. — The treasurer of the university shall keep an itemized account of receipts and expenditures, and shall pay out no money except on authorization of the board of trustees, given directly or through its executive committee. He shall render to the executive committee monthly statements of receipts and expenditures, and amount on hand, and a full detailed statement, with vouchers, for the information and action of the board of trustees at its regular annual meeting, and at other periods when required. (4527-28: amend. Acts 1946, ch. 27, § 42.)

Cross-References. Budget and financial administration, Ch. 45.

Reports of financial condition to be made to State Board of Education, KRS 157.060.

164.283. Student academic records confidential — Exceptions. — (1) As used in this section unless the context otherwise requires:

(a) "Academic" means a student's official record of academic performance, including, but not limited to transcript of grades or other action taken by the institution directly related to academic performance. The term "academic" does not include any nonacademically-related action the institution may take.

(b) "Universities and colleges" means all public supported institutions of higher learning in Kentucky.

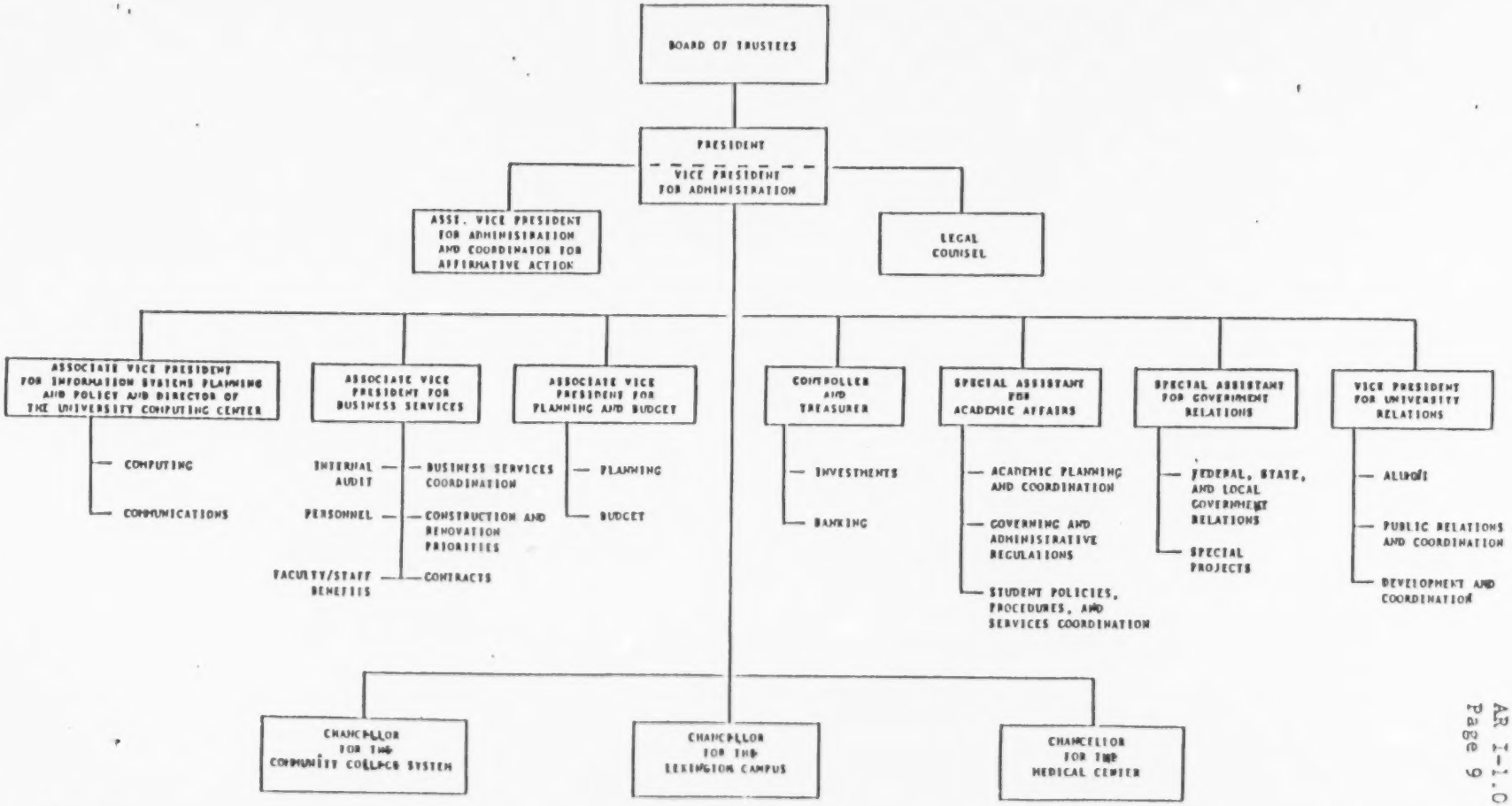
(c) "Institution" means all public supported institutions of higher learning in Kentucky.

(2) All student academic records shall be confidential, with the exception of the exemptions stated in subsections (3) to (9) of this section, and shall not be released by any public supported institution of higher education in Kentucky, to any person, organization, institution, group or agency, except

NOTE: ORGANIZATION CHART IS CURRENTLY BEING UPDATED.

B. ORGANIZATION CHART FOR CENTRAL ADMINISTRATION INCLUDING ITS RELATIONSHIP TO THE BOARD OF TRUSTEES AND THE CHANCELLORS

Chart 8



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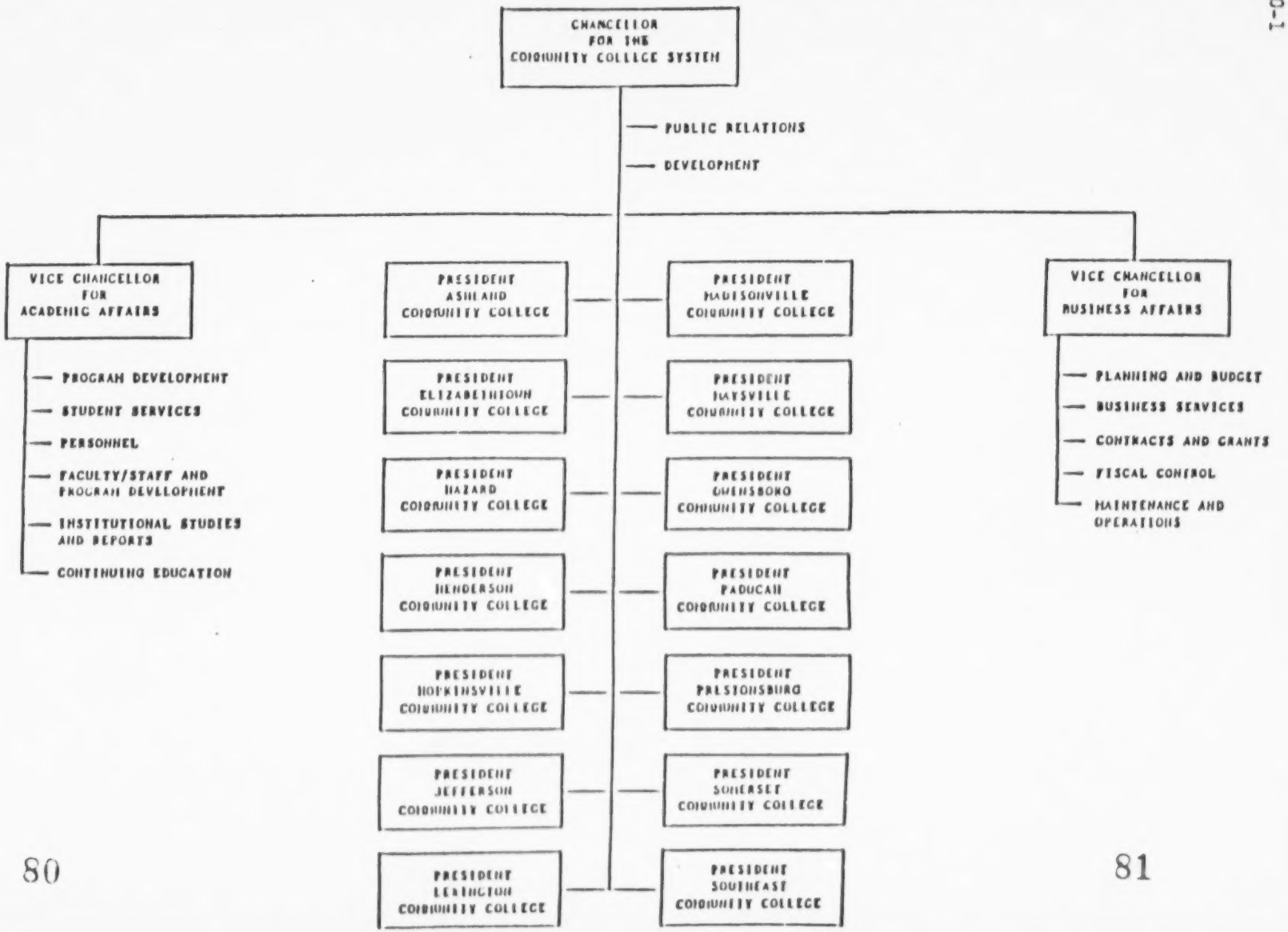
B. ADMINISTRATIVE ORGANIZATION CHART FOR THE COMMUNITY COLLEGE SYSTEM

Chart 9



Sample Organizational Chart For a Community College

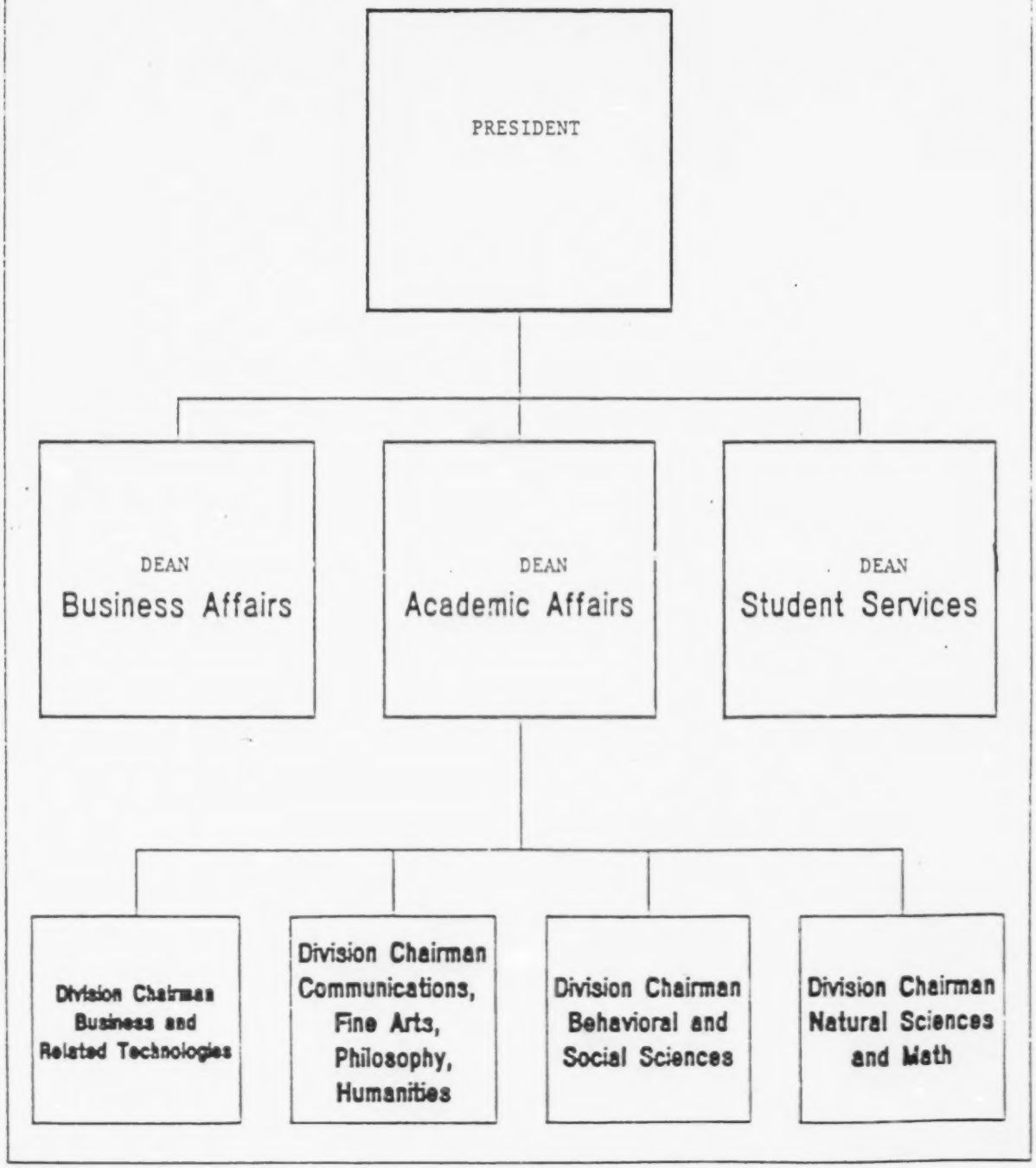
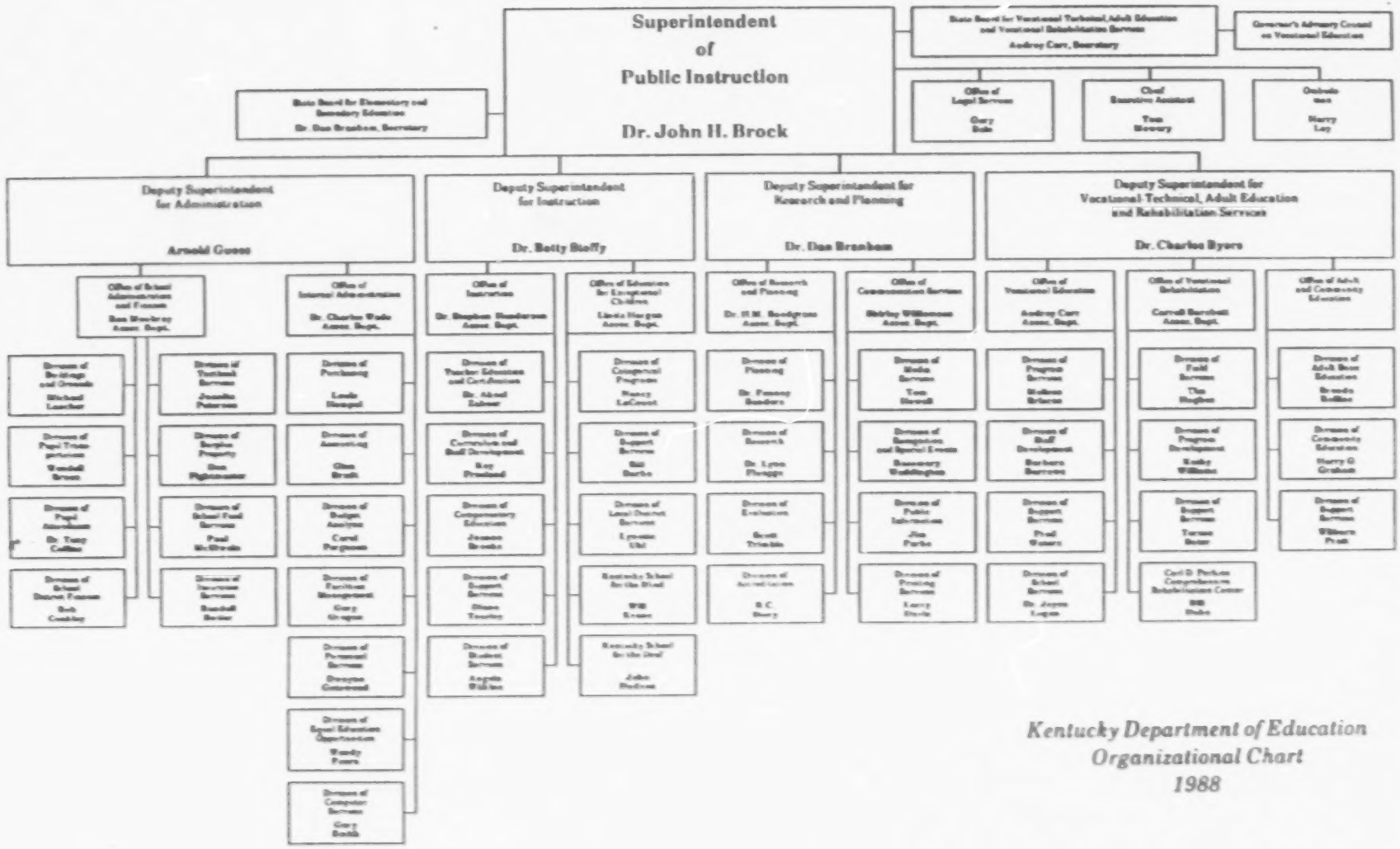


Chart II



Kentucky Department of Education
Organizational Chart
1988

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Table 16

STATE AND LOCAL LEVEL BOARDS FOR PUBLIC COMMUNITY COLLEGES, 1989

Type I	Type II	Type III	Type IV
Boards Responsible for Community Colleges Only	Boards Responsible for All Higher Education	Boards Responsible for University System	Boards Responsible for All Levels of Education
Alabama	Georgia*	Alaska	Florida*
Arizona*	Indiana	Hawaii	Idaho*
Arkansas*	Louisiana	Kentucky	Michigan*
California*	Maine	Nevada	Montana*
Colorado*	Massachusetts	New York*	Oregon*
Connecticut*	New Jersey*		Pennsylvania*
Delaware	New Mexico*		
Illinois*	North Dakota		
Iowa*	Ohio*		
Kansas*	Oklahoma*		
Maryland*	Rhode Island		
Minnesota	South Dakota		
Mississippi*	Tennessee		
Missouri*	Texas*		
Nebraska*	Utah		
New Hampshire	West Virginia		
North Carolina*	Wisconsin*		
South Carolina*			
Vermont			
Virginia			
Washington*			
Wyoming*			
Totals 22	17	5	6

*Community colleges within these states also have local governing boards.

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Kentucky Revised Statutes, 164.170. Vol. 7A, 1987.

Kentucky Revised Statutes, 164.200. Vol. 7A, 1987.

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APPENDIX

The President of the University

The President of the University is appointed by the Board of Trustees with the advice of a joint committee. The committee consist of five Board members, three full-time teaching and/or research faculty of the University System, one member of the full-time teaching faculty of the Community College System, and one full-time student. The committee provides opportunity for discussion between presidential candidates and representative administrative, faculty, and student groups.

In the Governing Regulations, the Board of Trustees has delegated certain responsibilities to the President with respect to the operation of the University System and the Community College System in order to provide for the responsible and efficient administration of the Systems and the accomplishment of their goals. As the chief administrative officer of the University, including the Community College System, the President is authorized by the Board to put in force the Administrative Regulations and the Personnel Policy and Procedure Manual, which provide interpretation and implementation of the Governing Regulations.

The President has full authority and responsibility over the administration of the academic, business, and fiscal operations of the University. The President makes recommendations relating to the general policies of the institution and to the maintenance of coordination among its several functions. Either directly or through the various officers, it is the President's duty to supervise and administer all phases of the University's operations, both business and academic, including all departments, divisions, and colleges.

The President is responsible for the biennial budget request and the annual budget for approval by the Board of Trustees. The President is responsible for the administration of the annual budget after approval by the Board.

The President may delegate responsibilities to other members of the administrative staff or faculty; however delegation of major areas of authority or responsibility require prior consent of the Board of Trustees.

The President is the non-voting representative of the University on the Council on Higher Education.

The President serves as the official medium of communication between the Board of Trustees, on the one hand, and the University Senate, the Senate of the Community College System, administrative officers, individual members of the faculty and staff, student organizations, and students on the other. The President is also responsible for official relationships with federal, state, and local government agencies.

The President's central administrative staff include the following offices:

Vice President for Administration
Vice President for University Relations
    Alumni Relations
    Development
    Public Information
Associate Vice President for Business Services
    Management and Organizational Analysis
        Internal Audit
    Personnel Policy and Procedures Administration
Associate Vice President for Information Systems Planning and Policy and Director of the University Computing Center
Associate Vice President for Planning and Budget
Assistant Vice President for Administration and Coordinator for Affirmative Action
Special Assistant for Academic Affairs
Special Assistant for Government Relations
Controller and Treasurer
Legal Counsel

The offices listed above are responsible for the coordination of academic, student, business, and administrative services across the three chancellor sectors.

The Chancellor for the Community College System

The Chancellor for the Community College System is one of three chancellor sectors--the other two being Chancellor for the Lexington Campus, and the Chancellor for the Medical Center. The chancellors are appointed by the Board of Trustees, acting upon recommendation of the President. The President receives advice from search committees prior to making recommendations to the Board. The chancellors are responsible to the President and have delegated authority from the President. They have broad discretion in planning and day-to-day decisions affecting their respective sectors.

As the principal academic and administrative officer of the Community College System, the Chancellor for the Community College System is responsible for the administration of the academic and fiscal operation of the System. The Chancellor has the responsibility to supervise all phases of the Community College System operation. These include personnel, planning and budget, academic programs, computing, construction and renovation plans, maintenance and operation of facilities, development, information services, student policies, procedures, and services, compliance with affirmative action policies and procedures, contracts, and management of the communication systems for the community colleges outside of Lexington.

The Chancellor relates the community college program to the communities in the State through relationships with local college advisory boards, through media, through relationships with community groups and individuals, and

through relationships with state and federal agencies and departments that are concerned with community colleges.

In addition to the above authority and responsibilities, the Chancellor for the Community College System serves as Chairman of the Community College Senate and the Community College Council and as ex officio member of all community college faculties and systemwide committees.

There are two vice chancellors in the administrative organization of the Community College System who report directly to the Chancellor. Other staff members within the Community College System Central Office who assist in coordinating the activities of the community colleges are the Business Officer, Senior Budget Analyst, two Coordinators of Maintenance and Operations, Personnel Officer, Coordinator of Research and Program Planning, Institutional Studies and Reports Officer, Coordinator of Faculty and Program Development, Systems Analyst, Coordinator of Resource Development, Coordinator of Program Planning and Development, and Coordinator of Student Services.

The Presidents of the Community Colleges

From the Chancellor of the Community College System, the line of authority passes to the presidents of the community colleges who are designated as the chief academic and administrative officers of the colleges. It is the president's responsibility to see that the Governing Regulations, the Administrative Regulations, and the Rules of the Senate of the Community College System are enforced.

As indicated in the Governing Regulations, the president, along with the faculty of the community college, is responsible for the development and implementation of the instructional program of the college. The president is responsible for the curricula, quality of instruction, assignment of duties, and for the service provided by the faculty of the college.

The president is responsible for the review and completion of the performance evaluations of faculty and staff after recommendations are made by the division chairmen or other administrative personnel of the college.

The president is responsible for recommendations on salaries, salary changes, appointments, reappointments, terminal appointments, decisions not to reappoint, post-retirement appointments, promotions, and granting of tenure for members of the college.

The president is responsible for administering the requirements and regulations of the community college concerning the admission, probation, and dismissal of students.

The preparation of the budget request for the college is the responsibility of the president, as well as the business and financial operation of the college and the maintenance and operation of the physical plant.

Additionally, it is the responsibility of the president to relate the college program to the community. This is done through relationships with the advisory board, use of public information media, and working with community groups and individuals.

The Governing Regulations specify that recommendations on the appointment of the chief administrative officers be made after advice from search committees. A search committee for a president of a community college is appointed by the Chancellor for the Community College System after consulting with the faculty of the college.

The Community College Deans

The organizational pattern at the college level, in addition to the president, includes a dean for academic affairs, a dean for business affairs, and a dean for student affairs. These three positions are not included in the

Governing Regulations, and thus the duties and responsibilities may vary somewhat at the colleges. Generally, the dean for academic affairs assists the president in the administration of the academic program of the college and provides supervision, guidance, and assistance to the faculty, librarians, and counselors. The dean for business affairs assists the president in the administration of business, finance, and budget matters of the college. The dean for student affairs assists the president with the supervision and coordination of activities in the area of student services, including student records data base, admissions, registration, orientation, financial aid, etc.

The Division Chairman in the Community College System

The division chairman serves as chairman of the division faculty--i.e., Humanities, Physical Sciences/Engineering Technologies, etc. As an intermediary between the administration and division faculty, the chairman is responsible to the president or the president's designee--the dean for academic affairs. The division chairman plays a very major administrative role in the System, and the duties and responsibilities of the position are described in the Governing Regulations.

The chairman assists in developing policies regarding the implementation and revision of programs and courses and assists in the preparation of class and teaching schedules. The chairman has administrative responsibility for implementing the division's program.

The chairman is responsible for advising the president on the appointment of new members of the division, promotions, reappointments, terminal appointments, decisions not to reappoint, post-retirement appointments, and the granting of tenure after consultation with the tenured faculty of the division.

The division chairman is responsible for the periodic evaluation of division members and makes recommendations to the President, who makes final decisions about such evaluations. The division chairman is also responsible for preparing the budget request for the division, and advising on salaries.

In the execution of the major administrative functions, the chairman seeks the advice of division members. If the chairman departs from the opinion of the divisional faculty, the chairman must communicate the faculty opinion as well as the chairman's advice, with the reasons for differing.

The president of a community college appoints a search committee for the position of division chairman, after consulting with at least the tenured faculty members of the division. The division chairman is appointed for a three-year term, and normally can serve for no more than two consecutive terms.

ERIC CLEARINGHOUSE FOR
JUNIOR COLLEGES

FEB. 28, 1992